

**United States Department Of Agriculture
Agriculture Marketing Service (AMS)
National Organic Program (NOP)**

Meeting Of The National Organic Standards Board (NOSB)

December 2, 2011

Hilton Savannah DeSoto
15 East Liberty Street Savannah
Georgia 31401

The National Organic Standards Board convened at 8:00 a.m. with Tracy Miedema, Chairperson, presiding.

Members Present

Tracy Miedema, Chairperson
Colehour Bondera
Steve DeMuri
Joseph Dickson
Kristine "Tina" Ellor
Barry Flamm
John Foster
Wendy Fulwider
Katrina Heinze
Nicholas Maravell
Robert "Mac" Stone
Jennifer Taylor
C. Reuben Walker

***Please note that this transcript may contain errors or omissions and does not represent an official record of all proceedings that took place on December 2. Please refer to the live webcast for a more accurate representation of the meeting.*

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Tracy Miedema: Good morning everyone. Today is day 4 of the meeting of the National Organic Standards Board, Fall 2011. We are now back in session. Today is dedicated to final committee deliberations and voting. All of our voting must be completed. We are set to end at 5:00 p.m. today. And we also have, um, some other matters we need to take care of before the day is out. So, um, while we do have time for deliberations, we don't have time for any one issue to dominate a big segment of the day. This morning we'll begin with the Crops Committee. And then go into Livestock. Try to get through both crops committee and the livestock before we go to lunch today. A few reminders. One thing I'd like to go over and put on the record is a, uh, ratio of the votes needed for, um, a vote to be considered decisive.

So I'll read that now. There are 14 members of the NOSB seated at the Fall 2011 meeting. If 14 votes are cast and there are Zero recusals or abstentions a two-thirds majority is 10. So 10 votes for a decisive vote on anything we're voting today. If it's 13, 13 votes cast in other words we have 1 recusal or abstention it's 9. 12 votes cast we need 8. 11 we still need 8. 10 we need 7. 9 we need 6. 8 we need 6. And 7 we need 5. And if there were anymore, uh, recusals and abstentions than that in a very unlikely, uh, situation we would not have enough members voting to have a decisive vote. Any questions from NOSB members before we proceed this morning? Okay. The next thing I'll mention is that the order of voting. We start at one end of the table and we'll be starting with Barry Flamm and we rotate. So Barry will be casting the first vote on the first motion.

And on the second vote, the second position at the table and that's Jay Feldman and will cast the first vote. And then Steve on the third, the third position the first vote and so on. Any questions about the sequencing and the rotation of who votes first? The chair may opt to vote last on any vote. Alright, then without further ado I will turn the meeting over to Crops Committee Chair John Foster.

John Foster: Thank you. Uh, we are moving -- we're going to move in order of the voting sheep, I assume. We will move in the order of the voting sheep. Uh, first, uh, we have a recommendation for Ammonium Nonanoate. There we go. This is a petition to, um, add Ammonium Nonanoate as a synthetic substance for use in organic crop production as an herbicide on 205.601. And consistent with our, our practice of, um, putting forward recommendations in the affirmative, um, we, we so recommend.

Tracy Miedema: John, are you making a motion right now?

John Foster: Sorry, I so move. Uh, move to add Ammonium Nonanoate as a synthetic substance, uh, for use in organic crop. Point of order.

Jennifer Taylor: I'll second.

Tracy Miedema: Point of order. Uh, John, do please, um, in stating your motion, if you wouldn't mind the position on the National List. And the full, uh, motion that the committee recommended. Thank you.

John Foster: I move that Ammonium Nonanoate be listed as a synthetic substance for use in organic crop production as an herbicide on the National List. I'm looking at the section number. On, one moment please.

My apologies. We recommend that Ammonium Nonanoate be listed as a synthetic substance on 205.601 (b) 1. Is there a second?

Jennifer Taylor: I'll second again.

John Foster: Any discussion? Jay Feldman.

Jay Feldman: I was hoping that we could just have a brief description, um, if it's appropriate Tina from you to just explain the, uh, the majority position on this, the committee's position.

John Foster: Tina.

Kristine Ellor: I would be, I would be happy to. Um, the committee voted, um, 1 yes, 4 no, it says zero absent but that would make us missing a committee member. So I'm thinking that were some absence there. And we probably should correct that. Um, to not allow this to be listed. Um, and, and that's all I'll say. And I'll have something to say during discussion. But the committee, the majority of the committee recommended against listing this on the National List. Um, and as far as a description goes, this would be, um, the material was, the material was rejected because of the questions of necessity because there are alternatives as pointed out in the CR. Because of issues of consistency and compatibility and because of concerns about toxicity to aquatic invertebrates. And we did have, um, quite a few comments on this from farmers who would love to use it.

And we comments against from, um, organizations and individuals who feel that this is not consistent and compatible with organic agriculture.

John Foster: Jay, is there, is there, I'm sorry. Is there more discussion? Uh, we have a motion and -- oh I'm sorry Katrina.

Katrina Heinze: I, um, I just thought I should get, get this on the record before the vote. I'm struggling a little bit with this material. You know, it's an interesting philosophical debate. Where you have a synthetic, um, with a technical report that says that, in some cases it's impact on the environment is less than the natural alternatives that folks are using. And so I understand and I appreciate the education that we haven't previously listed a broad based herbicide for this particular use. 'Cause this material is already on the list. So how do we weigh when a synthetic is a better alternative in some cases on our criteria than natural alternatives. And so I'm struggling about kind of the outcomes we're trying to drive versus ideology about synthetic versus non-synthetic. So I guess I kind of want to get that out there, for us to think about.

Tracy Miedema: And just a process check here guys. Um, I turned the meeting over to John. But, um, I should be the one, um, calling for votes, etc. I just lost track of that for a moment. So, um, again the process here will be I'll ask the committee chair to state the name of the material, where it falls on the National List. What the committee vote was so that we're oriented on what the matter is that's before us. And then I will be calling, uh, for a motion and a second and any discussion. Asking whether there are any conflicts for recusals. And then calling for the vote. So thanks for bearing with us, as we reorient ourselves this morning. So any further discussion on Ammonium Nonanoate? We have a motion and a second. And we will begin the voting.

Kristine Ellor: Point of order. Did you want to call for a conflict?

Tracy Miedema: Thank you. Any conflicts? Hearing none, we will proceed. Starting with Barry Flamm.

Barry Flamm: No.

Jay Feldman: No.

Steve DeMuri: Yes.

C. Reuben Walker: No.

Katrina Heinze: Yes.

Wendy Fulwider : Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: No.

Robert Stone: No, ma'am.

Jennifer Taylor: No.

Kristine Ellor : No.

Colehour Bondera: No.

Tracy Miedema: The chair votes yes. That's 8 no, 6 yes. Motion fails. Crops Committee Chair John Foster. Please read the next material up for voting this morning.

John Foster: The next material is, uh, petition items Indole-3-butyric acid. Or IBA. The, um, the motion is to do add, um, Indole-3-butyric acid as a plant growth regulator to the National List. I'm sorry, as a synthetic substance to the National List Section 205.601 (k).

Tracy Miedema: And what was the committee vote?

John Foster: The committee vote was 1 yes, 4 no and 3 absent.

Tracy Miedema: Okay. Do I have, do I have a motion to list? Indole-3-butyric acid to the National List.

Tracy Miedema: Barry.

Barry Flamm: I just realized we should be voting on synthetic, non-synthetic before we take the vote. And we didn't do that on the first one. Um, I should have called it to the attention of the chair previously.

Tracy Miedema: Mr. Deputy Administrator.

Miles McEvoy: Yeah, on the first vote you're, um, the Nonanoate, it was already classified as a synthetic. But this one you have not classified. So that would be appropriate to have that as your first vote.

Tracy Miedema: Perfect. Do I have a motion on the classification of Indole-3-butyric acid?

John Foster: Yes, the crop, we, I move that Indole-3-butyric acid be classified as a synthetic substance.

Tracy Miedema: Do I hear a second?

Nick Maravell: Well, I second.

Tracy Miedema: Any discussion about this material's status as being synthetic or non-synthetic? Hearing none, any recusal for conflict? We're ready to vote. Jay.

Jay Feldman: Yes.

Barry Flamm: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Steve DeMuri: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes, ma'am.

Jennifer Taylor: Yes.

Kristine Ellor : Yes.

Colehour Bondera: Yes.

Tracy Miedema: Yes. That's 14 - Yes, Zero - No. Motion carries Indol-3-butyric acid as classified as synthetic. We'll get clipping along here folks any minute now. Okay. Now onto the listing of the material. Indol-3-butyric acid we've designated that as a synthetic. Do I have a motion for the listing of the material?

John Foster: Yes, I move that Indol-3-butyric acid be listed a plant growth regulator on the National List, Section 205.601 (k).

Tracy Miedema: Do I hear a second?

Kristine Ellor: I'll second.

Tracy Miedema: Any discussion? Hearing none. Any, Katrina Heinze.

Katrina Heinze: I have a, a question. I just wanted to make sure I heard correctly that this material is already used, but in cuttings it then have a one year transition into organic? That, that was my not crops understanding of it. But did I hear that correctly?

John Foster: Yes.

Tracy Miedema: Any further discussion? Any conflicts? Alright, we'll proceed with the voting then. And we'll start with Steve.

Steve DeMuri: No.

C. Reuben Walker: Uh...

C. Reuben Walker: I would like to wait. I would like to defer the vote.

Tracy Miedema: Katrina, go ahead.

Katrina Heinze: He just asked that we defer the vote? I don't think... Um, procedural check. I don't think we defer our votes. I think we defer the vote.

Tracy Miedema: This came up in the last meeting. This idea of skipping around out of order. Um, up here, it's at the discretion of the chair. And I'm, uh, saying, I'm granting it, uh, be okay that Calvin wait until everyone else votes and he catches up on, uh, what he's studying over there.

Katrina Heinze: Okay. Uh, no.

Wendy Fulwider : No.

Joseph Dickson: No.

John Foster: Yes.

Nick Maravell: No.

Robert Stone: No, ma'am.

Jennifer Taylor: No.

Kristine Ellor: No.

Colehour Bondera: No.

Jay Feldman: No.

Barry Flamm: No.

Tracy Miedema: Calvin, please vote.

C. Reuben Walker: Sorry. No.

Tracy Miedema: Chair votes yes. That's 2 – yes and 12 – no, motion fails. The next material is Odorized Propane.

John Foster: I move that Odorized Propane be added to the National List. Oh, sorry. I, I move that, uh, Odorized Propane be classified as a synthetic substance.

Tracy Miedema: Tina.

Kristine Ellor: I'll second.

Tracy Miedema: Any discussion and, uh, I would ask Crops Committee Chair John Foster to please, uh, state the committee vote.

John Foster: My apologies. The committee vote was 3 yes and 4 no.

Tracy Miedema: Any further discussion? Steve.

Steve DeMuri: Well, this vote is for a synthetic, non-synthetic classification?

Tracy Miedema: That's what it needs to be. So let me just state this again. Here's how it's going to go. I'm going to say the name of the material. The chair of the committee needs to say what the committee vote was. And on what portion of the list. I will call for a motion. The first motion unless the material is already classified needs to be on the synthetic, non-synthetic. I will call for a second, discussion, recusals. So we're, let's just start this one from scratch. Odorized Propane. Committee Chair John Foster.

John Foster: The committee voted 7 - Yes and Zero - No. That Odorized Propane was a synthetic substance.

Tracy Miedema: Do I have a motion?

C. Reuben Walker: I'll second.

Tracy Miedema: We better make that motion first.

John Foster: I move that Odorized Propane be classified as a synthetic substance.

C. Reuben Walker: Now I'll second.

Tracy Miedema: We are rolling now. Any discussion about the synthetic, non-synthetic nature of Odorized Propane? Hearing none. Any recusal for conflict? We'll proceed with voting on this material status as a synthetic, non-synthetic. Calvin.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider : Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes, ma'am.

Jennifer Taylor: Yes.

Kristine Ellor : Yes.

Colehour Bondera Yes.

Barry Flamm: Yes.

Jay Feldman : Yes.

Steve DeMuri: Yes.

Tracy Miedema: Yes. Motion carries. Crops Committee. John Foster. What was the committee's vote and on what portion of the list?

John Foster: The committee voted for, on the motion of adding Odorized Propane as a synthetic substance to 205.601 (g3) Rodenticides. The committee voted 3 yes and 4 no.

Tracy Miedema: Do I have a motion?

John Foster: I move that Odorized Propane be added as a synthetic substance allowed for use in our organic crop production to 205.601 (g) 3 Rodenticides.

Tracy Miedema: Do I hear a second?

Katrina Heinze: I'll second.

Tracy Miedema: Any discussion about Odorized Propane? Mac and then Tina.

Robert Stone: We heard a little conversation that should this be a substance on the list or is it a practice? And I think the program said that it was a substance. But it behaves as a practice because of the deep nature of the injection of the propane. So, just make sure that is in fact the case that it needs to be a substance.

Tracy Miedema: Tina.

Kristine Ellor: Um, I actually have changed my position on this material after hearing public comment. And, um, you know, looking over the TR and the petition once again. So, um, I will be voting in favor of this. I voted against it in committee but I'm, I'm going to vote in favor of it. As, as a board member.

Tracy Miedema: Any other discussion? Any conflicts for recusal? Oh, Deputy Administrator.

Miles McEvoy: Yeah, this has been a very interesting discussion about the material and, uh, uh, the other thing that I think that the program is going to do is take a look at, um, how this came about, um, in a training session that a policy was set. So we're going to take another look at that of how, um, in terms of making sure that it doesn't happen again. That when, um, policy is set on any kind of material or substance or interpretation we'll be doing that through, uh, notifications of the whole community at the same time. Rather than in just a, uh, uh, a notification in oral, um, training session. So, it's been a good discussion. We've learned from this and we're going to take another look at it.

Tracy Miedema: Thank you. Any conflicts on this material? Okay. We'll proceed with voting. And we'll start with Katrina.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: No.

Robert Stone: Yes ma'am.

Jennifer Taylor: No.

Kristine Ellor : Yes.

Colehour Bondera: No.

Barry Flamm: No.

Jay Feldman: No.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Tracy Miedema: And the chair votes yes. Are you sure? Is that 10?

All the no's please raise your hand. That's 10 yes. 4 no. Is there 5? I missed a hand. Thank you very much. That's why we're doing this. That is 9 yes, 5 no. Motion fails. Thanks guys. Next up are the Sunset materials under review by the Crops Committee. For 205.601, beginning with Copper Sulfate. For this material do we first need to designate synthetic, non-synthetic? Or is that determination made?

John Foster: Determination has already been made.

Tracy Miedema: Okay. So, do I have a motion for the listing of Copper Sulfate?

John Foster: Not yet. This requires a little explanation.

Tracy Miedema: Please explain.

John Foster: The Crops Committee met last night after consideration of, uh, lots of public comment, very good public comment. Um, and we voted to, uh, 7 to Zero to withdraw the second recommendation that we made. I provided a, an update to that to Lorraine this morning. And sorry, I can't see the screen clearly. Um, so I can't read off that. But, um, we will be -- I wanted to explain this, 'cause we will be making it a slightly different, um

recommendation than the one that has been presented. And I wanted to put that out ahead of time.

Tracy Miedema: Please state the revised Crops Committee recommendation.

John Foster: The Crops Committee recommends adding -- no, no, strike that. Thank you Lorraine, please remove that.

Tracy Miedema: You need not make a motion, uh, that states that committee is withdrawing something. If the committee withdraws something it doesn't come before the board.

John Foster: Then I so move. Uh, that, I'm sorry. The committee voted...

Tracy Miedema: We need to know what the Crops Committee motion was on this material.

John Foster: The Crops Committee voted to relist this material Copper Sulfate as a synthetic substance allowed for use in organic crop production on 601, 205601A. 3 and E. And we voted 7 to Zero accordingly.

Tracy Miedema: Do I have a motion?

John Foster: The motion is to, is to relist Copper Sulfate on 205.601(a)(3). Copper Sulfate for use as an algacide in aquatic rice systems is limited to one application per field during any 24 month period. Application rates are limited to those which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying agent. And on 605, I'm sorry, 205.601(e) as insecticide including acaricides or mite control for Copper Sulfate for use as tadpole shrimp control in aquatic rice production is limited to one application per field during any 24 month period. Application rates are limited to, to levels which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying agent.

Tracy Miedema: Do I have a second? Any discussion? Jay Feldman.

Jay Feldman: Thank you. And I appreciate the committee's work on this. Um, and the board's attention to this issue. I think we had a pretty good discussion on this, um, during the statements from the public. Um, it was, I just took, put on the record that the committee I think, um, tried to, to the best of its ability identify, uh, an effort to curtail to the extent possible, uh, the use of this material. Uh, obviously the original annotation that we proposed to limit this use to a type of cultural practice was viewed by the

community of growers as detrimental and non, and, um, impossible to implement effectively. Without causing severe harm to the ability to grow, uh, in an organic system. Um, be that as it may, uh, I think we as a board must struggle with these types of materials because they raise some very serious questions as we look holistically at protection of health in the environment.

And look at, um, how we integrate various materials, synthetic materials into those organic systems. We realize in this context we rely very heavily on, on, um, the, the certification system to work with growers. And you've said this a lot John. To work with growers, uh, to identify the use of these substances, so, uh, as a last resort. Uh, in a, in a system that does not rely on them. But seeks to utilize other methods that, uh, don't force or rely and don't end up depending on these materials. Having said that, I appreciate all the energy and effort that the rice producers brought to this discussion. Uh, it really helped educate me and I know others on the committee feel it was a, an important process. I apologize for the expense that they, you know growers have to go to. Both in terms of time and resources. It's, I, I, I wish there was another way to get the kind of information that is necessary to make these difficult decisions.

Um, but having said that I, I also hope that this discussion can be taken, uh, by the program as an indication that we really do need research in this area. The growers have endorsed research. The committee feels that research is, is needed. This, this is a hazardous chemical and we should seek to figure out ways where we can reduce and to the extent possible eliminate its use. Having said that, I, I will vote for relisting. Thank you.

Tracy Miedema: Katrina Heinze.

Katrina Heinze: Um, thank you for your comments Jay. Since I won't be on the Materials Committee next year, um, I did make a note, um, and started our list, since the research document got support from the community. Um, so that's clearly something that needs to be on the list.

Tracy Miedema: Jennifer.

Jennifer Taylor: Can you tell me if you think that the Crop Committee was able to address the concerns that were brought, uh, by our stakeholders in regard to the impact on the ecology the biodiversity issues. Were they addressed in the, in the changes that were made?

Jay Feldman: The recommendation that we're putting forward doesn't change the annotation from what it has been. But, um, that that topic of biodiversity and the importance of that relative to, to all considerations was, was definitely a topic that probably the most, the most, uh, frequently discussed topic within, within this. And I, correct me if I'm wrong committee but we, we did spend a fair amount of time actually on, on that specifically independent of other concerns. Um, so yes I would say, I would say yes.

Jennifer Taylor: Do you think that the recommendation -- do you feel that the recommendation as is stated now also includes that concern, or maybe where the, where we are talking about that integration or collaboration and with the certifier and the farmer, maybe that, is it possible that impact could be considered there? Or do you think that's necessary?

Tracy Miedema: John. Oh, actually let me call first on Deputy Administrator Miles McEvoy.

Miles McEvoy: Yeah, I just wanted to, uh, clarify that it's a very, it's, it's part of the certification process. Uh, the organic system plan is the central tenet of how the certification process works. And it's a requirement under the regulations that producers must use a preventive pest control plan that must include certain elements. And that's done on every single operation, no matter what kinds of potential input materials, uh, a, a grower or a producer is going to use, they have to establish a preventive pest control program. And that is reviewed by the certifier to see that it's adequate. Um, and the only time that they can utilize an input that's on 601 would be if that preventive pest control program, um, is not adequate. So that's, that's done, um, by the certifier when they review the organic system plan.

It's part of the inspection process. It's just one of those fundamental tenets of the whole process that, uh, that approach to pest management by organic producers and that review by certifiers, uh, for all materials that are used, uh, from 601. So I just want to reiterate that so people really understand that that happens with all 601 materials.

Tracy Miedema: Thank you for that clarification. We certainly don't want to start creating redundancies in the regulation. Um, Jay Feldman.

Jay Feldman: Thanks for your question Jennifer. There are a lot of ways to answer that question. Um, I think part of what we struggle with, or I struggle with and others, uh, struggle with is the question of continuous

improvement in organic production. And, um, if you were to take a snapshot in time, uh, of current practices I think you'd have to come to the conclusion that there is adverse impact on biodiversity, uh, when you introduce, uh, copper sulfate into the aquatic environment. That's my opinion. Um, when you put that in the context of, you know, is it an acceptable rate of bio, you know, biodiversity decline or insult to the environment, um, given where we're headed as a community, uh, to reduce reliance to the extent possible on these things, I hope we're making progress. There's no assurance of that. Um, you know, we heard from growers who certainly seem inclined in that direction.

They believe in what they're doing. They want to protect the environment. They have gotten into this to do that. Uh, this is a challenge, this is a huge challenge. And I, I think that if, if can follow it through, um, Katrina just put on the list in the Materials Committee as a research, uh, opportunity to make that discussion document work and somehow and give priority to stuff like this, that we will be really in the business of continuous improvement. And we'll, we'll move away from this. So it's a tough, it is a tough situation and I, I'm optimistic given the input we heard from growers that the community wants to move in this direction. Uh, that is away, you know, and as Miles just, away from, uh, the use of this type of material and Miles indicated I think correctly that, you know, we have a system in place where we're trying through the certification system to adopt programs, organic systems plans that identify, uh, the range of practices, cultural practices and methods that, um, stay away from hazardous materials to the extent possible.

Tracy Miedema: Tina.

Kristine Ellor: And not, not forgetting also that, um, a few of the commenters who were rice producers said that they could not continue growing rice organically without this tool right now. That is those acres were then converted back to conventional, we would, we would be taking a giant step backwards as well.

Tracy Miedema: Any last discussion? Okay. Any conflicts on this one? Alright, we'll begin the voting on this motion to relist Copper Sulfate. And we'll start with Wendy.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Tracy Miedema: Yes. That's 14 - Yes, Zero - No. Motion carries. Next material up for Sunset relisting is Ozone. Crops Committee Chair John Foster. What was the committee recommendation on this one? And we need not, uh, designate the non-synthetic, synthetic that part is done.

John Foster: The committee voted in favor of relisting. 4 - Yes, Zero - No and 3 - Absent.

Tracy Miedema: Do I have a motion?

John Foster: Yes. The motion is I move that we relist, uh, Ozone as a synthetic substance allowed for use in organic crop production on 205.601(a) as algaecide disinfectant and sanitizer including irrigation system, uh, irrigation cleaning systems, 5. Ozone gas for use as irrigation system cleaner only.

Tracy Miedema: Do I hear a second?

Kristine Ellor: I'll second.

Tracy Miedema: Any discussion? Any conflicts? Alright, we'll proceed with the voting and start with Joe Dickson.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: No.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Tracy Miedema: Yes. That's 13 yes, 1 no. Motion carries. Next material up for relisting in the Crops Committee under Sunset is Peracetic acid. Crops Committee Chair John Foster. What was the committee position on this material?

John Foster: The committee voted 7 - Yes, Zero No's, 2 - Relist as currently listed.

Tracy Miedema: Do I have a motion?

John Foster: I move that Peracetic acid be relisted on the National List 205.601. Synthetic substances allowed for organic, for use in organic crop production. A - as an algaecide disinfectant and sanitizer including irrigation system, cleaning systems. 6 - Peracetic acid for use in disinfecting equipment, seed and asexually propagated plant material. And I - as plant disease control. 7- Peracetic acid for use to control fireblight bacteria.

Tracy Miedema: Do I hear a second?

Barry Flamm: Second.

Tracy Miedema: A process reminder too that it is not incumbent upon any chair of the committee to make the motion. Any member of the NOSB can make a motion on the materials and topics under discussion today. Any, any discussion? Jay Feldman.

Jay Feldman: Thank you. I hate to do this to you Barry but I, I think we should get something on the record on this. It's been a little confusing. Um, there was an action by the board that wasn't followed up by action by the department. And so we're relying on previous discussion of the board which I think would be good to just get on the record so everybody knows where we're, where we've been on this. So if I could ask Barry or Tina to help with this, that would be great. Thanks.

Tracy Miedema: Barry.

Barry Flamm: As a refresher, um, and the Crops Committee and the, and the board, um, voted in 2009, uh, to reject the petition to expand the use of Peracetic acid. But at the same time the, the committee developed another recommendation which, uh, included, um, continuation of the to use of Peracetic acid but also with a, with an annotation involving, um, a limitation of 5 percent. Uh, during public comment and discussion and that there, there is some, uh, concerns about just the wording of that and the effect. The bottom line is, uh, we received a recommendation from the, from the program that, uh, that the, we could allow the 2009 recommendation to stand and, and knows that recommendation and annotation will be considered and work with, uh, with the committee and that, that all we, uh, really need to do now was to, uh, vote on the Sunset and, and therefore the, the committee recommendation was, uh, slightly modified to, to just recommend that the Peracetic acid to uses be, um, kept on the list.

Tracy Miedema: Any further discussion? Hearing none, any conflicts? Alright. It's been moved and seconded. And we'll begin the voting with John Foster.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: No.

Kristine Ellor : Yes.

Colehour Bindera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

Tracy Miedema: Yes. That's 13 yes, 1 no. Motion carries. Last item that the Crops Committee is making a recommendation on is for the Sunset 2012 205.602 the position on the National List for Calcium Chloride. Crops Committee Chair John Foster, does this material need a vote on its synthetic, non-synthetic designation?

John Foster: No.

Tracy Miedema: What was the committee vote?

John Foster: The committee voted to retain Calcium Chloride on 205.602 (c) by a vote of, uh, 6 yes and 1 absent.

Tracy Miedema: Do I have a motion?

John Foster: Yes, the motion -- I move that we retain Calcium Chloride on 205.602 (c) non-synthetic substance prohibited for use in organic crop production with (c) - Calcium Chloride brine processes is natural and prohibited for use except as fully or sprayed to treat a physiological disorder associated with Calcium uptake.

Tracy Miedema: Do I hear a second?

Colehour Bondera: Second.

Tracy Miedema: Any discussion? Hearing none, any conflicts? We're ready to begin the voting. And this time we'll start with Nick Maravell.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Tracy Miedema: The chair votes yes. That's 14 - Yes, Zero - No. Motion carries. And well, that concludes the Crops Committee. We're 45 minutes ahead. (applause) Despite the fact that we're ahead and it's only a little 9:00 this morning we are going to take a break. The Livestock Committee needs to quickly convene before we being the Livestock Committee voting. So we'll take just 10 minutes. And that gets us back in here -- it that enough time Livestock Committee? 10 is or do you need 15? Okay. Let's make it 9:20.

Tracy Miedema: Based on the work of the Livestock Committee we need about 5 more minutes. Thanks.

[BREAK]

Tracy Miedema: We have 11 NOSB members seated. Mac Stone and Nick Maravell. We're going to go ahead and get started. Back in session. And ready to proceed with the recommendations of the Livestock Committee. Final deliberations and voting. An agenda change. The Livestock Committee is only bringing forward two recommendations today. And that will be the Animal Welfare Stocking Regulatory. And the Handling Transit and Slaughter Regulatory. The other four documents have been withdrawn by the committee and no further information will be presented on those materials by the Livestock Committee today. Nor will those

topics be included in our deliberations. Chair Wendy Fulwider. Please present Animal Welfare Stocking Regulatory.

Wendy Fulwider: Thank you. We had lengthy deliberations. And, and, uh, edits through the night but we did come to consensus. We had, uh, vote 6 yes in favor and 1 absent. Um, so if, uh, I guess we have it up here on the screen, we can go through this. I have all the ads in red and the things that we have deleted have a double strike through. So. Yeah, I got that, it's okay. Yeah, there should be... (inaudible) Tracy.

Tracy Miedema: This is one of the, uh, tricky aspects of presenting recommendations. We ask the public's forbearance. So when we receive your public comment, it's very important that we're responsive. And what that means is that, that we sometimes go through the tedious process of presenting committee edits on screen. We try to do that as much in advance so we're not editing in real time on the screen. Uh, but do please, you know, if you need to get up close to see this. We'll the font sizes big as we can, and we'll try to go through the quick, the changes as quickly as possible.

Wendy Fulwider: Thank you Lorraine, the highlighting helps. Um, here's the first change we made. Beak trimming performed by 10 days of age. And we deleted the, the or. So beak trimming performed by 10 days of age and toe trimming performed at the hatchery. So next. Okay. Pain relief options for dairy and other species continues to be the subject of research since practical methods for on farm use are not yet available for some species such as swine. Okay. Okay, right there, that's good. Here we made a change with pullets. Pullets must be raised with perches or roots and have outdoor access by 16 weeks of age. We deleted the 12, for 12 weeks of age. Um, it is well documented that birds instinctively use perches when they are young. Here in the recommendation we added, uh, a few sentences. The language shown in the following pages is recommended for rulemaking and will be tied to the outcome base standards in development.

The organic system plan must include detail on the continuous improvement for meaningful outdoor access. This should include how birds will be encouraged to go outdoors and environmental enrichment plans for their benefit. Beak trimming unless performed within 10 days of age falls in the prohibitions. So we changed that from being required to be performed at the hatchery. We made an addition to shelter for, uh, to be designed, shelter design to allow for five would be individual grain feeding

stalls are encouraged for the swine breeding herd. Swine must be held, must be fed on entry and released when the last animal has finished eating. And here at number 6 we added: mature swine must be maintained on pasture with the minimum 25 percent vegetative cover during the grazing season.

Vegetation may include, but is not limited to wood laden area, shrubs and pasture. Deep bedded straw or rooting materials must be provided for all swine. To allow them to forge, explore and otherwise prevent behavior problems associated with the lack of natural conditions during temporary confinement. And here that last sentence we, we added all swine and deleted pigs. So it's more inclusive. In the avian section under access to the outdoors we added: uh, to access to the outdoors. I'll read from here the whole thing. Laying hens must be provided with no less than 2 square feet of outdoor access per bird. This space is dependent upon the producers ability to manage vegetation and provide cover, shelter and blinds. Manage erosion and bird boredom or aggression. Minimize mortality, lameness, and disease. Maintain good feather cover, hygiene, body condition, and low levels of mortality.

Okay. Outdoor areas must have 50 percent vegetative cover which may include, but is not limited to pastures, bushes, shrubs and trees. Shelter may be provided by trees or other objects in the environment. All housing systems must outline in the organic system plan how ventilation will be managed and how birds will be encouraged to access the outdoors. Indoor space allowance: we cut will not be less than 1.5. Changed it to read: indoor space allowance of 2 square feet per laying hen is dependent on the ability of birds to access feed, perch, roost, nest box, scratch area, open area and ability to self isolate. The density may be adjusted during winter months and climates where freezing weather is an issue. All birds must have access to scratch areas in the house. Okay. At the front of the avian minimum space requirements chart we added a sentence. For some species minimum densities are expressed as a range of values.

Reflective of the diversity of practices among producers and beliefs within the committee. The indoor space for laying hens and breeders is at 2 square feet per bird. The outdoor runs and pens is at 2 to 5 square feet per bird. Pullets indoor space would be at 2 to 3 pounds per square foot. The outdoor runs and pens would be the same at 2 to 3 pounds per square foot. For broilers the indoor space 1 to 5 pounds per square foot.

Outdoor runs and pens 2 to 5 pounds per square foot. The other poultry numbers we pulled and we will come back with that at the Spring meeting.

Tracy Miedema: Do I have a motion?

John Foster: I move to accept the Animal Welfare Regulatory recommendation as updated.

Tracy Miedema: Do I hear a second?

Kristine Ellor: Second.

Tracy Miedema: I think Tina got the second there. Alright, any discussion on the document just presented? Tina and then Nick.

Kristine Ellor: Um, this was a difficult and, and, um, long learning process. And although I'm not entirely happy with all the changes we made, um, I recognize that as this goes forward through the program that, you know, there'll be further opportunity for input and, and comment and adjustments. So, um, I'm, I'm willing to back this document.

Tracy Miedema: Nick.

Nick Maravell: Yes, I want to thank the Livestock Committee for taking us through this process. And, uh, bringing the board together on this. Um, as we move this forward into the program I'm going to give a uniquely farmer perspective on this. Um, I would, um, caution you to be sensitive to some of the comments we've already received about the pasture rule in terms of the burden on family farms and the paperwork. I think these all very legitimate standards. And, uh, I believe, uh, organic producers can meet them. Uh, I think we have to be judicious in how much documentation you have to provide to show what you're not doing or what you are doing. It has to be sort of appropriate. I'm thinking of many of the farmers that I know who have relatively small flocks. And are now going to be coming to saying, we don't do any of this stuff. Now we got to prove we don't do any of this stuff.

And yes you do. That's part of the program. But I would, I would, I would, uh, caution you to try to make this at least burdensome as possible, um, on smaller operators.

Tracy Miedema: Any further discussion? Katrina.

Katrina Heinze: I have, um, three questions. Maybe you could help me with. Um, one is we heard some public comment about aviaries. Could you, um, maybe summarize what those public comments were and how they interact with the changes you made, just so I understand that.

Wendy Fulwider: The aviaries do not have any more problem from an animal welfare perspective than any other house. The issue that people tend to discuss is, you know, how are these birds going to get outdoors? You know, because they feel that birds in aviaries are not inclined to encourage due to the ventilation system or structure of the building, um, to get those birds out there. So, we tried to address that, that all housing systems, you know, must have a plan to get the birds outdoors. And you know, they have to work on the continuous improvement. It needs to be in the organic system plan.

Katrina Heinze: Thank you. Um, then my second question is we heard, uh, quite a bit of public comment about the numbers. Um, and I don't have a good sense of all of that. Could you, um, maybe help me walk through how the public comment led you to these changes and how that all matches? It, it, a layman's explanation. It doesn't need to be a more detailed than that.

Wendy Fulwider: Okay, well there, you know, we have public comments on both sides of this issue as, you know, we, we always do. Um, it does give the producers an option to be on a level playing field. Um, it was, uh, something that we could agree to in committee. You know, and it's certainly more space than many farmers are providing at this point.

Katrina Heinze: Thank you. Okay. My last question. Um, we heard some public comment yesterday about the FDA egg safety rule. Um, and so this question is more so we have it on the record. I know that there were some farm visits this summer. Um, and you know, separate conversations have indicated that the committee feels very comfortable that with these rules farmers will be able to meet those egg safety rules. I just wanted a couple comments on the record on that.

Wendy Fulwider: Salmonella problems can happen to anybody, you know, in spite of best management practices. You know, and we feel that with good management on a farm birds can go outdoors and food safety, uh, I mean you're always at risk. It doesn't matter. You know, but we feel that it's fine for the birds to go outdoors in a well managed system.

Tracy Miedema: Katrina, you had a follow-up question.

Katrina Heinze: Um, more specifically from the farm visits. Did you have learnings that supported that?

Wendy Fulwider: Yes. As a result of the farm visits and were many, many of us from the board and, and the, of course, others from the program as well. And yes, we all learned a lot. Because I mean, we, we all know that farmers are all very different. You don't find two farms that are the same. You don't find two farmers that are going to agree on everything down through the, you know, whatever list you go through.

Tracy Miedema: Any other discussion? Okay. Uh, we'll start with Deputy Administrator and then go to Jay Feldman and Mac Stone and Jennifer.

Miles McEvoy: Uh, yeah, I just wanted to, uh, make a comment on the, the food safety, the egg safety. Um, a question we have them working with FDA. Um, as they implement the salmonella, the SE rule, uh, for operations with, um, more than 3,000 birds which goes into effect in July of 2012. Uh, we've been working with them very closely to, um, ensure that, uh, that organic producers can meet the requirements under the egg safety rule. Um, and they must also meet the requirements of the new egg safety rule as well. It's not our responsibility to, um, to take care of the egg safety rule. That's FDA's responsibility. And, um, they are in the process of implementing that, that rule for operations with, well they're already doing it for operations with more than 50,000 birds. And then the operations between 3 and 50,000 goes into effect next Summer.

Um, we have confidence. And we have confidence from FDA that, um, there will be the ability for, uh, organic operators to comply with both requirements. The organic requirements that require outdoor access and the, um, the FDA requirements that require a number of things to protect the safety of the eggs. Uh, there's still work for us to do, um, collaborating with FDA. We're going to be providing more information to organic producers of, of how they can meet those requirements of the egg safety rule. Uh, but we're confident that, uh, we can get there to make sure that organic products, uh, meet the expectation that they're, the birds are outside. And, uh, meet consumers' expectations, um, that the product is safe. That has to be done and we'll continue to work with FDA to make sure that happens.

Tracy Miedema: Jay Feldman.

Jay Feldman: Thank you. Could I ask that, uh, somebody from the minority opinion, um, address the, the question of, of how we have or will through this recommendation revise balance the metrics and the outcomes, uh, based on some of the, you know, statements that we heard from the public or any other issues you want to raise in terms of, uh, meeting this, uh, joint proposal.

Tracy Miedema: A point of clarification here too. While a minority opinion was published to the Federal Register, there is no minority opinion that was put forth on the table, um, as part of the motion. So I may need a little help here. Is it appropriate to be discussing, um, something that is not part of the motion? Tina, you may have some insight there.

Kristine Ellor: Yes, as part of our compromise there now is no minority opinion.

Tracy Miedema: We're going to go to Mac and then Jennifer.

Robert Stone: I guess I just wanted to point out first, um, I'm a poultry producer. I don't think anything here I have to change anything in my operation with this proposal. But I don't know if I need to declare a conflict or not? But, um, the, the discussion Jay was with it's not just square footage anymore, it's, it incorporates the diversity of design similar to the process within the OSP for an orchardist might do, so that it gives these producers, uh, lots of cause to, to evaluate air quality, the birds ability to isolate themselves, birds ability to act normal, um, not matter what the environment is. So that, that sort of took a lot of this off the table because we looked at it more holistically like, it is tough that we don't have a broad spectrum. Weed control, but we do have lots of other tools. So we're trying to incorporate these various tools in the logic of these larger producers, if you will.

There will be to me, the capitalization of these facilities if they have to have more facility for the same number of birds. But that's a smaller percentage of their cost of doing business than feed and labor and other aspects. And frankly if their cost goes up a little bit, um, my personal opinion again is we, I don't like to let retailers dictate farm policy. And if the price has to go up a little bit, then we're the farm, this is from the farm policies that I think. So.

Tracy Miedema: Jennifer. And then Jay, did you have your hand up again? Okay.

Jennifer Taylor: Okay. Thank you. Um, I just wanted to encourage the committee as you have such a wonderful opportunity to actually develop a, uh, a new

perspective, a new organic sustainable perspective on livestock, um, development on livestock farming. And, um, I would like to have you consider issues of sustainability. Um, the issues that would be expressed through the consumer what the consumer expects is actually happening on the farms that they also come into play and the development of your strategies. And I appreciate your work. Thank you.

Tracy Miedema: Colehour.

Colehour Bondera: Yes, thank you. Um, I do as a Livestock Committee member just want to point out that in my opinion, uh, some of the issues that, uh, in discussion we were able to address that had been commented on and had been raised as topics. Uh, including outdoor access, including, uh, how to consider vegetation, um, notably as well, uh, regarding swine. I think that, um, this revised document which we have all, the committee is all in support of, um, if, if you followed through with what, uh, Wendy presented does show some minimums, some basic standards, uh, in both, uh, sentence description and even number form, even metric form. That I think, uh, have addressed and, uh, dealt with some of the, the variety of issues including in, in the chart where there's now a range of numbers, uh, presented.

And so I think that, um, I just, I will thank, uh, the Chair Wendy and the whole committee for working together to come up with something that we can, uh, we can move forward with. I think that that's, that's where I am at with that and I don't know if, uh, if Calvin has anything to add or...

Tracy Miedema: Any further discussion? Steve DeMuri.

Steve DeMuri: I was having a little trouble seeing, seeing the screen behind me. I, my mother had eyes in the back of her head, but I don't. Um, how did your, your, uh, proposals, or new proposals line up with the Canadian regulations?

Wendy Fulwider: Well, we didn't adopt the Canadian, um, numbers. I believe for the, for the house it's 1.8 and 2.7 for outdoors. So we did not adopt that for poultry. But, you know, we felt that that's not our job to, to make our farmers adopt the Canadian standard. You know, that's a choice they have if they're going to sell product to Canada.

Steve DeMuri: Okay, fair enough. I just wanted it as one sticking point. But for those of us that use, um, poultry products, um, that have manufacturing plants in Canada and in the United States it's a bit of a hassle for us to,

uh, to try to, uh, manage that. But that, that's okay. We'll, we'll deal with it.

Tracy Miedema: Mac.

Robert Stone: I guess I'm still not sure if I should declare a conflict of interest as a poultry producer, um, or not?

Tracy Miedema: The, um, hurdle here is a direct financial gain. And I would say the hurdle is pretty high. We count on expertise of the people sitting at this table. You've got a lot of experience in livestock. As Chair I would encourage you to vote on this, unless I hear differently that an affirmative vote is going to put money in your pocket.

Robert Stone: I would suggest it's going to take the money out of my pocket. Uh, depending on the severity of the documentation that comes out of this.

Tracy Miedema: Nick.

Nick Maravell: As a poultry and beef producer who exceeds the standards being proposed here, uh, I raise the same, um, I plan to vote for this. Um, but as Mac points out, that would not be a financial gain for me, quite to the contrary. I do feel I should recuse myself.

Tracy Miedema: Nope. Katrina.

Katrina Heinze: Um, even if these standards were less than you were doing, and they would reduce your costs, I do not think that is a direct financial gain. Because the rule is going to be applied uniformly across the industry. And I would encourage you to vote anyway. So I absolutely do not think you have a conflict of interest.

Tracy Miedema: Agreed. Any further discussion before I officially call for conflicts? Okay. It's moved and seconded that the NOSB accept the revised recommendation of the Livestock Committee on Animal Welfare Stocking Regulatory. Any conflicts? Seeing none, we will begin the voting. Secretary Wendy Fulwider where do we start our voting?

Wendy Fulwider: Mac.

Tracy Miedema: Mac, please proceed.

Robert Stone: Yes.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Tracy Miedema: Yes. That's 14 - Yes, Zero - No. Motion carries. (applause) A reminder that Ben our audio tech gave me is, for members to make sure that we speak our votes very clearly into the microphone so that they are accurately recorded. Thanks everyone. Next recommendation up for deliberation and voting is the Livestock Committee recommendation on Handling Transit and Slaughter Regulatory. Dr. Wendy Fulwider, please present the committee recommendation.

Wendy Fulwider: Thank you. And we have it up on the screen. Same as the last document. Adds are in red and things we have deleted have a double strike through. There are very few edits so we should be able to go through this very quickly. The vote on this was 6 yes, 1 absent. We changed the title to Animal Handling and Transport To Slaughter. Rather than Animal Handling Transport And Slaughter. So that clarifies that everything in here is about animals on their way to slaughter. Okay, see the highlighted, uh, highlights here are adds. And I'll just read through the whole thing as it reads now. USDA Organic Regulations do not currently specifically cover animal handling and transport to slaughter. Therefore, the Livestock Committee is recommending the addition of the new section titled 205.241. Animal Handling And Transport To Slaughter.

And again here we just changed the title of the document Animal Handling And Transport To Slaughter, general conditions of animal welfare in handling and slaughter. That is all of the changes.

Tracy Miedema: Do I have a motion?

Joseph Dickson: I'll move to accept this document.

Tracy Miedema: Do I hear a second?

Kristine Ellor: I'll second.

Tracy Miedema: Discussion on the document the recommendation entitled Animal Handling And Transport To Slaughter. Joe Dickson.

Joseph Dickson: Just the tiniest housekeeping, hopefully friendly amendment is that Lorraine in the header and footer of the document. The title should also be changed.

Tracy Miedema: Any further discussion? Call for conflict. Hearing none. Oh, Tina.

Kristine Ellor: I'm sorry. Did we get a committee vote tally on this one?

Wendy Fulwider: Six in favor, 1 absent.

Tracy Miedema: Thank you. Any further discussion? Then I'll call for the vote. And we'll begin with Jennifer.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Tracy Miedema: Yes. That's 14 - Yes, Zero - No. Motion carries. That completes the work of the Livestock Committee for the Fall 2011 meeting. We'll proceed with the recommendations of the Handling Committee. Chair Steve DeMuri, are you prepared to proceed?

Steve DeMuri: Yes, the, uh, the committee is prepared. My only concern is that if there's anybody that we need to call on from the audience that is expected to do this after lunch, um, they may not be here. As far as the witnesses. So I'll throw out to you as the Chairperson to make a determination on that. But other than that we're ready.

Tracy Miedema: In recognition of, uh, Steve is mentioning we did call for, uh, certain members of the audience to be available on the specific materials DHA, from algal oil And ARA single-cell oil. And, uh, we can move the vote on those materials down in the list of materials under consideration. So we'll go ahead with, uh, those two materials second to last with the, uh, sorry. Sulfur Dioxide will be the last material still. We'll move ARA and DHA to the second to last position in the list of materials under consideration. Annatto is, Annatto extract is the first material. Steve, what was the committee recommendation?

Steve DeMuri: Um, this was a, uh, a petition to remove Annatto extract color pigment, um, from the National List. And the, the, uh, committee vote, um, first there was a, um, um, there was two votes actually. There was a recommendation for change in the annotation of Annatto extract color from water and oil soluble to liquid and powder forms. Um, carried by a vote of 6 - Yes, Zero - No, 1 - Absent. And then there was a vote recommending removing Annatto color with all annotations from the National List 205.606. And that carried by a vote of 6 - Yes, Zero - 1, 1 - Absent. So the, uh, the, uh, the vote before us then is to, uh, um, remove Annatto extract color pigment from the National List. And I so move.

Tracy Miedema: Do I hear a second?

Robert Stone: I'll second.

Tracy Miedema: Any discussion? Katrina.

Katrina Heinze: Um, we didn't discuss in committee whether we were going to pull the annotation change recommendation. I, um, think we should still do that, so it's on the record. But I could be swayed. So I don't know, do we have to vote on both, since the committee recommended both?

Tracy Miedema: We only bring forward from committee the voted on recommendation of the committee. If there were, uh, prior deliberations and votes, those aren't part of our deliberations right now. Katrina.

Katrina Heinze: We voted on both.

Tracy Miedema: Then the committee would be bringing forward two motions.

Steve DeMuri: Okay. Good point. So the first motion then would be and to make this clean. This is probably the best way to do it, because this is the recommendation packet that was posted on the, uh, on the website. And we had not made any changes to that. So the first motion then would be that to change the annotation of Annatto extract color from water and oil soluble to liquid and powder forms.

Tracy Miedema: Uh, point of order here. Let's, um, first withdraw the original motion. We need to make sure that's okay with, uh, the maker of the motion. And the second.

Steve DeMuri: Withdraw the second. I'll withdraw the, the first motion I made.

Tracy Miedema: Thank you. The second motion made stands. Do we have a second?

Katrina Heinze: I second.

Tracy Miedema: Alright. And we're, let's have, uh, discussion and just for the purpose of clarity, Steve, would you mind please restating that second motion. And then we'll go into discussion.

Steve DeMuri: Okay. The second motion was to change the annotation of Annatto extract color from water and oil soluble as it currently reads to liquid and powder forms, 205.606.

Tracy Miedema: Tina.

Kristine Ellor: I just want to be very clear. What, what I'm doing here. Um, a yes vote on both would change the annotation and then delist it, correct? And a yes vote on the first one and a no vote would mean that the annotation change

and it would remain on the list, correct? So what the committee is recommending is that we change the annotation and then we take it off the list.

Tracy Miedema: Katrina.

Katrina Heinze: Um, yes. And so given, we had originally did that because we didn't know what kind of public comment we're going to get. So I get, I'm being a little stickler for process on this one. But this has been such a confusing material with the original annotation, that I just think it's important to get on the public record. And an annotation that we think is more workable, so that ten years from now when someone's looking back and trying to figure out what happened, it's very clean.

Tracy Miedema: I don't, I'm not sure we're making it cleaner by doing both of these. Uh, because the sequence then it's implied that the sequence is absolutely important. Um, and I think Miles needs to weigh in on this.

Miles McEvoy: Well, what we are just discussing is that, um, when you have two motions on the table at once, you should only have one motion on the table at a time.

Tracy Miedema: We, we did withdraw one of our motions. We do have only one motion on the table right now. My question though is that if we make two recommendations to the National Organic Program one of them is to change the annotation of a material, we do that affirmatively. We make a second motion that carries to delist something whether you're in a quandary of which recommendation to accept.

Miles McEvoy: Yeah, it seems very confusing. I would agree. Um, if you're going to delist then delist. If you're going to change the annotation, change the annotation. They don't seem to fit together very well.

Steve DeMuri: Maybe, uh, the committee should, uh, meet on this one briefly in a bit. And get it squared away. And then, uh, we can come back.

Tracy Miedema: Continuing our discussion, Katrina.

Katrina Heinze: I'm the only one who thinks we should vote on the first one. So I totally withdraw that. We can cover it in the document.

Tracy Miedema: Is there consensus among the Handling Committee to only bring forward the recommendation to delist this material? If yes, please raise your hand. Okay. We have consensus. And since that first motion made

was about the annotation change. Am I right? We do need to go ahead and withdraw that motion as well.

Steve DeMuri: So I withdraw the motion to change the annotation for Annatto extract.

Katrina Heinze: I accept.

Tracy Miedema: Thank you. We're starting from scratch on Annatto extract. Handling Committee, please present your recommendation on Annatto extract.

Steve DeMuri: I hope I can. Um, so the motion is to delist Annatto extract from the National List 205.606.

Tracy Miedema: Do I have a second?

Joseph Dickson: I'll second.

Tracy Miedema: Any discussion? Katrina.

Katrina Heinze: I just wanted to go on the record and say this is a great example of where commercial availability works. 'Cause during my short five years we've listed it, and gone from none being available to some being available. So I would like to commend industry for really getting on board with this one.

Tracy Miedema: Thank you. And it does argue for the National List being able to spur the development of an organic alternative as opposed to spurning the development. Any further discussion? Any conflicts on Annatto extract? Katrina.

Katrina Heinze: My company does, um, I believe make a product that uses Annatto. Um, and it is organic.

Tracy Miedema: Thank you for disclosing that. I don't believe that would be a conflict. Any other disclosures or conflicts? Alright, we'll... Wendy.

Wendy Fulwider: I work with Organic Valley. I have no idea if they use this. I would imagine so.

Tracy Miedema: Thank you. I'm not seeing any conflict there results in direct financial gain. Uh, it looks like we're ready to vote. And we'll start with Tina.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Tracy Miedema: That's 14 - Yes, Zero - No. Motion carries. Next material on the Handling Committee docket is Beta-carotene. Chair Steve DeMuri what was the committee recommendation on this material?

Steve DeMuri: Thank you. Uh, this is one is a little simpler. This was a, uh, petition for an annotation change from Beta-carotene extract color derived from carrots to a Beta-carotene extract color derived from carrots or algae. So the recommendation of the committee was to accept the sanitation change. Uh, the vote was 4 - Yes, Zero - No, 3 - Absent. Um, it is the same as the one that was posted. We have made no changes to this, um, since this meeting started.

Tracy Miedema: Do I have a motion?

Steve DeMuri: I move for, uh, um, an annotation change from Beta-carotene color derived from carrots to Beta-carotene extract color derived from carrots or algae on the National List 205.606.

Tracy Miedema: Do I hear a second?

Katrina Heinze: I second.

Tracy Miedema: Any discussion? Jay Feldman.

Jay Feldman: Thank you. Can you just for the record explain the process you all went through to look at the extract process.

Katrina Heinze: Sure. Um, we got the TR. How much detail do you want? We, uh, technically I should have waited for you. I'm sorry. Um, we got the TR. We went through the evaluation checklist. Um, it documented on that checklist. Um, the, kind of the key highlights were that, um, production of Beta-carotene from algae is, um, growing because it is, uh, much more sustainable than some of the other options. Um, so that was a key consideration. The, um, other kind of key thing that we talked about is that with the recommended, um, annotation for color that's on 606 extract with synthetic solvents is, uh, prohibited for this material.

Tracy Miedema: Any further discussion? Any conflicts? Then we'll start the voting with Colehour.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Tracy Miedema: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Tracy Miedema: That's 14 - Yes, Zero - No. Motion carries. Tina.

Kristine Ellor: You have not officially cast your vote in the last two. You did, you sure?

Tracy Miedema: I opted to vote in order as opposed to last. Yeah, on those ones. Next up is Potassium hydroxide. Chair Steve DeMuri, please present the committee recommendation.

Steve DeMuri: Yeah, this was a petition for an annotation, annotation change from Potassium hydroxide prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches during individually quick frozen or IQF production process. That's how it's currently listed. To Potassium hydroxide prohibited for use in lye peeling of fruits and vegetables except for, except when used for peeling peaches. On National List 205.605 (b). The, uh, committee vote was, uh, um, unanimous - 6 - Yes, Zero - No, with 1 - Absent. To, uh, to, uh, vote for the sanitation change. So I make a motion for, uh, change of annotation from Potassium hydroxide prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches during the IQF process to Potassium hydroxide prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches. On the National List 205.605 (b).

Tracy Miedema: Do I have a second?

Robert Stone: I'll second that.

Tracy Miedema: Any discussion? Jay Feldman.

Jay Feldman: Again, for the record, um, this appears to be a limitation of use, correct?

Steve DeMuri: Yes.

Jay Feldman: And again, in this.

Steve DeMuri: Well, the overall, um, it's, it's always been a limitation of use. This does expand it a bit. Um, in that it will include canned peaches in addition to the IQF peaches. Individual quick frozen, two separate processes. But it's not going to have the effect of, of increasing the amount of peaches that are peeled by this method. Because what the, the IQF guys or the, um, um, canned folks are doing now is they're buying IQF peaches, uh, that have been peeled by this method and putting them in a can. So this gives them the opportunity to actually peel the peaches by this method,

method in own production facility without having to buy the, uh, peaches already frozen.

Tracy Miedema: Thank you for that clarification Steve. Any further discussion?
Hearing none, uh, oh Barry Flamm.

Barry Flamm: I just wish to, uh, comment. Because that is an important distinction. 'Cause we could not, uh, do an annotation if we were expanding the use. And I think, uh, Steve is, has, uh, clarified that we're not.

Tracy Miedema: This was a petition to change the annotation, so we can. This is not Sunset.

Barry Flamm: Thank you, I stand corrected.

Tracy Miedema: No problem. Any further discussion? Any conflict? Alright. We'll start the voting then with Barry Flamm.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: No.

Colehour Bondera: Abstain.

Tracy Miedema: Chair votes yes. So that is 12 - Yes, 1 - No, 1 - Abstention. Motion carries. Next material up for discussion recommendation by the Handling

Committee. Is Silicon dioxide. Chair Steve DeMuri please present the committee recommendation.

Steve DeMuri: Thank you. Um, this was a, uh, petition for removal of Silicon dioxide from the National List on 205.605 (b). Um, the committee met a couple times on this since we've started the meeting here in Savannah. I'm going to ask John Foster as the Team Lead for this material to take us through the changes. John.

John Foster: Lorraine, could you pull up the changes for Silicon dioxide. Thank you.

Tracy Miedema: Please state the committee recommendation.

John Foster: The committee voted 6 - Yes and Zero - No. To amend the annotation for Silicon dioxide to read, uh, 205.605 (b) synthetics allowed. Silicon dioxide providing sufficient evidence showing non-synthetic alternatives are not commercially available for a specific product process is presented.

Tracy Miedema: Do I have a motion?

John Foster: I move that we amend 205.605 non-agricultural, non-organic substances allowed as ingredients in or on processed products labeled as organic or made with organic specified ingredients or food groups. (b) Synthetics allowed. Silicon dioxide providing sufficient evidence showing non-synthetic alternatives are not commercially available for a specific product process is presented.

Tracy Miedema: Do I hear a second?

Steve DeMuri: I'll second.

Tracy Miedema: Discussion. Jay Feldman.

Jay Feldman: Thanks. Can you explain for the record how you see this process working practically, the annotation.

John Foster: The, the discussion among the committee was that we, we felt that there was enough, uh, kind of demonstration that there were some alternatives out there available and, and useful in some applications. So we were hoping to push the, the industry toward, um, a, uh, a thorough evaluation, a practical evaluation by, by virtue of, um, uh, the commercial availability clause. That we're hoping they will, um, industry will find ways

to overcome the technical challenges that they haven't overcome yet. And that non-synthetic substances even better, organic substances would be found to, to take the place of these, this, in this case a synthetic.

Tracy Miedema: Jay Feldman.

Jay Feldman: I congratulate the committee for moving in this direction. I, I think it's a creative, uh, attempt to try to create the incentives. When I first looked at it I thought, well you couldn't you identify specific uses that could be eliminated, given the availability of the alternative. And it was explained to me that it wasn't specific uses that were hard to identify, it was the percentage of uses. So that there was possibly a percentage of cases in a particular use pattern that couldn't be replaced with the rice alternative. And my understanding is that's why you went in this direction.

John Foster: Yeah, that, that was one of the reasons. You know, you speak about specific uses or applications. Um, there, there was conflicting public comment that, that seemed valid on both sides, uh, as to the, the range of applicability. Um, among other, um, uh, proposed annotations that we talked about and weighed. There were a couple others. Uh, one was to zero in on a particular specific use. For example, silicon dioxide only for use as a defoaming agent. Because of the consistency of the public comment relative to the alternatives utility as a defoamer. So that that was one possibility. Another would be to, uh, to instead of what we're proposing here to put in a, uh, a timeline change. This is due I believe to Sunset in 2015. So, another alternative would be to provide that, that same motivation with a timeline accelerator, if you will. Like has been tried with other materials on the National List. So, that's, those were other options.

But and in each of them would have I think, you know, helped move the needle, um, in it just a different way. The, the reason we settled on this and I'd be interested in others, you know, board members' perspective on it is, is because of the, the apparently very strong evidence that said, yes you can. And an equally evidence that said, no you can't. Use this alternative and in these applications. And we kind of didn't know what to do with that. Um, I have very limited experience with this personally as in the industry. So and I didn't want to force that on the whole industry. So, so this was the, what, you know, the best option we could come up with. And still be very dedicated to moving that needle forward.

Tracy Miedema: Mac Stone. And then Steve DeMuri.

Robert Stone: On behalf of my certifier brethren I'm going to officially moan and groan and whine and cry and kick and scream a little about the burden that this is going to place on them.

Tracy Miedema: Duly noted. Steve DeMuri.

Steve DeMuri: Good segue Mac. Admittedly this is going to, uh, cause a little bit of heartburn for the certifiers. And also for manufacturers that, that want to use Silicon dioxide. Because I know if we used it I would, uh, do everything I could to use the organic alternative. So that I didn't have to prove to my certifier that I needed to use Silicon dioxide. So we believe this is going to push manufacturers to look at very hard at the, uh, organic alternative. And we would hope that the board in 2015, um, would take another hard look at this material when it comes up for Sunset again. And if it looks like there's other alternatives out there, that they would, uh, be listed.

Tracy Miedema: Deputy Administrator.

Miles McEvoy: Yeah, um, we've gone on record before of it being very uncomfortable with putting commercial availability clauses into, uh, 605. Um, it does put a, a burden on certifiers, on manufacturers, uh, you, you're using language that is, uh, different from other language that you have already recommended for 605 in terms of commercial availability. There's one clause that's in the existing regulations for Tocopherols derived from vegetable oil when rosemary extracts are not a suitable alternative. So that's one way of talking about it. Here you're proposing another way to talk about it. Um, so I, I would urge the, uh, the board that if you're going to go down this road of some kind of way of, um, of wanting this kind of commercial availability clause to be in 605, that you look at doing it in a consistent basis. Uh, and give enough guidance to the program and to certifiers so that it is done on a consistent basis.

'Cause my fear is that you start going down this road and people are going to interpret it different ways. We'll, we'll provide that clear I guess interpretation to certifiers so it's done consistently. But it's, um, I think you really need to be cautious about this so that, uh, it doesn't create a record, recordkeeping burden on certifiers and manufacturers. Um, you know, what, what's your end game here to make sure it's consistent with your other recommendations?

Tracy Miedema: Any further discussion?

Steve DeMuri: Sorry. Um, is that something you feel like we can, uh, handle in the recommendation to the NOP when we write this up after the meeting?

Miles McEvoy: No, I think once you have a, you have to vote on what -- this is meeting where you make a recommendation. You can't change it after the meeting.

Steve DeMuri: No, I don't mean change the recommendation, I mean in the, in the discussion in the recommendation document that we handle the program, can we approach that subject that you just brought up? We give you a little bit of guidance on what we're, what our intention is.

Miles McEvoy: You would need to do that through, uh, the committee process to bring that in front of the board at the Spring meeting. So you could have further development on this particular topic to bring back to the public at the Spring meeting.

Tracy Miedema: John Foster, then Katrina Heinze.

John Foster: Um, here's a question for the program. I'm just following up on your last comment. Is, is the concern the model that you're talking about for Tocopherols the difference being that the alternative is quite specific. Rosemary extract as opposed to the more generic non-synthetic alternatives in this one? Is it the level of specificity that is the primary challenge or the, the obstacle in your mind?

Miles McEvoy: No there's two concerns. One is putting commercial availability, uh, clauses into 605. The program does not think that's a good idea. Secondly, the burden on, uh, certifiers and manufacturers. And third, the consistency, um, if you are going to go down that road between the various recommendations that you're starting to look at for commercial availability in 605, make sure if you're going to do that that it's consistent.

Tracy Miedema: Katrina.

Katrina Heinze: Um, to your third concern. Um, while we've been talking I looked at the, um, recommendation from I think April 2010 maybe on yeast. Uh, where did add commercial, uh, commercial availability clause. Just to compare it to the language. Um, so my belief is this is what we're recommended for Silicon dioxide is consistent from a language perspective. But maybe my question for you would be maybe you're seeing it differently. What we said for yeast was, um, when used as food or a fermentation agent yeast must be organic if its end use is for human

consumption. So that's not relevant to this situation. Um, and then we said, non-organic yeast may be used where equivalent organic yeast is not commercially available. So we're saying that as well here that Silicon dioxide, we might have to clean up the language. Silicon dioxide may be used when, um, and a non-synthetic alternative is not commercially available. And would that help with that concern if we matched the yeast a little bit more closely?

Miles McEvoy: Yeah, I think that might be, uh, something to look at to make sure that they're more aligned than they currently are.

Tracy Miedema: Chairman Steve DeMuri, uh, what's your opinion on this?

Steve DeMuri: I might be open to accepting a friendly amendment if somebody wanted to, uh, propose one.

Tracy Miedema: Katrina.

Katrina Heinze: Um, rather than that perhaps we could, uh, defer. I'm not sure what the right word is. Um, and work on it on our break real quick. It's probably just 5 or 10 minute cleanup.

Steve DeMuri: Yeah, that's fine. And we could do that.

Tracy Miedema: Vice Chair, Joe Dickson. Um, please remind me of the process and we've got a motion and a second on the table. Uh, can we -- what's the procedure please for temporary, temporarily tabling a motion? We'll get that pulled up so we do this right. We need to motion to postpone.

Joseph Dickson: Yeah, I believe the person who made the motion can move to postpone consideration of the motion to a later time.

Tracy Miedema: Thank you very much. Steve will you, uh, please then proceed with making a motion to postpone consideration to a further time.

Steve DeMuri: Wow. Okay. I move to postpone further discussion on this material until after our next break.

Tracy Miedema: I second. We do need to vote on this as well. So we will, uh, vote on the postponement. Beginning with Barry. Oh, I'm sorry, we start on this vote with Jay.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Tracy Miedema: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Tracy Miedema: That's 14 - Yes, Zero - No. The motion to postpone carries. And when we are ready to take this matter back up, we will need to take up, uh, a matter previously tabled. And we need a motion on that as well. Handling Committee. Next material up for consideration and voting is Animal enzymes. Chairman Steve DeMuri, what was the committee recommendation?

Steve DeMuri: Actually it should be Sulfur dioxide I believe.

Tracy Miedema: We opted to, um, have that item be the very last one after DHA, ARA.

Steve DeMuri: Thank you. Okay. Um, this is for a, um, a Sunset, um, consideration for Animal enzymes. The, uh, the recommendation by the committee has not changed since I presented it a couple of days ago. The, uh, the vote was 5 - Yes, Zero - No, and 2 - Absent for relisting Animal enzymes on 205.605 (a). So I move for the relisting of Animal enzymes on the National List 205.605 (a). Um, let me read the, uh, the full, full notation. It's Animal Enzymes when, animals, animals derived catalase, bovine liver, animal lipase, pancreatin, pepsin and trypsin. That's the annotation and we've made no changes to it.

Tracy Miedema: Do I have a motion?

Steve DeMuri: That was the motion.

Tracy Miedema: Do I have a second.

Joseph Dickson: I second.

Tracy Miedema: Any discussion? Alright. Any conflict on this material Animal Enzymes? Seeing none, we will proceed with the voting and start with Steve DeMuri.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Tracy Miedema: Yes. That's 14 - Yes, Zero - No. Motion carries. Chairman Steve DeMuri you're absolutely right about the order of these materials. I didn't see that they ran onto the second page. Um, out of additional deference to the number of attendees on this material as well though, on Sulfur Dioxide. I would like to have that be the very, um, last item that the Handling Committee votes on because of the fact that we are, um, hours ahead of schedule at this point. And people may have not planned on being at the meeting until the afternoon on that topic. So, we will forge ahead. The next material up for consideration then will be the Tartaric

Acid on 205.605 (a). After that will Tartaric Acid on 605 (b). Then we will be considering DHA. Then ARA. NOSB members I do not see, uh, the Chlorine annotation on our voting sheet. So that will, um, need to voted on. We'll vote on that one, um, Steve a recommendation there. Should we do that at the very, very last among the items?

Steve DeMuri: Um, my recommendation might be to, um, do that one after we do Tartaric Acid. And then come back and do the last three after the break.

Tracy Miedema: That sounds good. We'll see how, um, how we do here. The time right now is about 11:00. We're about 10 to 11. Okay. Thanks everyone for bearing with us while we start that out. Next material then 205.605 (a) Tartaric Acid. Steve, what was the committee recommendation?

Steve DeMuri: Okay. Um, let me, a little bit explanation first. Um, the recommendation that was posted on the website we have not changed. Um, and we kind of combined the two 605 (a) and 605 (b) recommendations into one document. We'll vote on 'em separately right now but they are kind of combined in the document, uh, that everybody, um, saw on the website. So just a point of clarification. So for the first one, um, the Handling Committee recommends renewal of Tartaric Acid made from grape wine on the National List Section 205.605 (a). Um, the committee voted 6 - Yes, Zero - No, 1 - Absent. Um, in favor of that, uh, renewal. So I make a motion that Tartaric Acid made from grape wine be relisted to the National List Section 205.605 (a).

Tracy Miedema: Do I hear a second?

Kristine Ellor: I'll second.

Tracy Miedema: Any discussion? Jay Feldman, then Steve DeMuri.

Jay Feldman: Did the committee give any consideration, uh, to the intersection of this issue with the, uh, sulfites issue?

Steve DeMuri: If I remember correctly we had some, uh, brief discussion on it. But it wasn't something we went into a great depth on. I'm going to let, uh, Katrina answer that as well. And then also Katrina, if you could, um, kind of take us through what our, what our thought processes was on this combined listing.

Katrina Heinze: Um, I'm going to do the second first. 'Cause I'm drawing a big blank right now on the sulfites. I'm sorry. Um, not blank, we didn't look at it, but just blank. Um...

John Foster: A Rick Perry kind of a blank.

Katrina Heinze: Yes, a Rick Perry kind of blank. (laugh) Um, on Tartaric Acid just a reminder for everyone on the board, it's listed both as a non-synthetic and a synthetic, um, originally, uh, on the list in both of those locations without annotation. Although when the board originally voted, um, there were annotations. So, um, the last time these two materials went through Sunset we asked the program to make a technical correction and put those annotations back on. Um, there's very little historical record on why, um, this material is in both locations. Um, so this time through Sunset we, um, opted to more clearly ask industry to provide us evidence of why the synthetic was required and to get a TR. Uh, when this went through Sunset the first time they were no, um, resources available for TR's. So we were a little bit more hamstrung. Um, the, um, TR that came back, um, showed that both Tartaric Acids can be used in the same, um, applications.

Um, and in fact other organic regulatory, um, frameworks, um, allow the, allow the synthetic only when the non-synthetic is not available. Or only allow the non-synthetic. Um, so based on that information, um, we felt that or our combined recommendation was to relist the non-synthetic but to recommend that the synthetic Sunset off the list.

Tracy Miedema: Jay Feldman.

Jay Feldman: So I guess, I guess I'm getting at and then it may, this is just coincidental that these two issues, uh, coincide at the same meeting. But is this an opportunity to consider whether we stipulate that, um, when there is a with clause, with something else that we stipulate that it be certified organic? Is that an opportunity we have?

Tracy Miedema: We, you know, as a point of clarification 605 (a) and (b) materials are not certified organic. They're in the 5 percent. So, um, I think you are, would you like to revise what it was you were asking for?

Jay Feldman: No, I, I understand that. But this is an annotation. There's an annotation on here, um, and I'm just curious whether the committee, uh, discussed or has -- you said there's not much record on this. But has discussed in the past, uh, a requirement that -- 'cause I imagine there are

other components to this. The wine is one component and it's specified, it's annotated. So, I suspect we can -- maybe we can ask program, stipulate certified organic, given that we know it's out there.

Tracy Miedema: Katrina.

Katrina Heinze: Um, as the person who, um, had the lead on this topic, you know, we had perhaps some very brief discussion on that topic. But, um, it has been that a historical practice of the board, um, on 605 items, because they are not organic ingredients for which, um, a, an NOSB has done a review, uh, found that they met our criteria and then made an exception to the rule to put them on the National List. That we have, um, not put restrictions on those ingredients. So you'll hear me say that again when we talk about some other materials later this afternoon. But that has very much been the historical practice of the board to limit annotations as much as possible on 605.

Tracy Miedema: I'd like to weigh in here too. Uh, I really like the idea of making this, uh, from organic wine if and only if we were to make that recommendation on the Federal Register. That's something we would definitely want the public to weigh in on. Because it would involve, uh, analyzing supply chains. And we don't have that here today. John Foster.

John Foster: That was a little bit of what I was going to mention. Was that there's a difference between having an organic ingredient out there as an agricultural item and the ability to process it in such a -- and the, not the ability but the, um, the actuality of having it. That conventional supply chains are generally not as, um, as, uh, researchable. And that's a lot of the problem we have with, with finding the, uh, adequate documentation for the, uh, allowability or the suitability in, in, uh, for, for non-organic ingredients in organic products. So it's, yeah there's organic wine out there in this case. But with respect to Marty and the, the IQF okra that it's a little bit of that again. Is that, um, the, the proximity or the actual, the actuality of the processing to take an agricultural product creates something non-agricultural is, is related but I think a, an addition criteria that we need to ponder there.

Tracy Miedema: And in Marty's case that was a petition asking for IQF's. So we were able to analyze the supply chain during the, uh, NOSB meeting process. And this one we're not. Um, Jay did you have the follow-up first? Okay, Steve.

Steve DeMuri: Yeah, John kind of stole my thunder there. But that was going to be my point as well. We don't know that there is enough organic wine out there to make the Tartaric Acid as necessary for, uh, for the industry. From, uh, organic grape wine for instance. But this is one of those continuous improvement type items. You know, you'll see that we're, uh, um, delisting. You'll see at the next recommendation that we're delisting the synthetic version of Tartaric Acid and only allowing the non-synthetic now. So, this is definitely a step in the right direction. And, uh, open for further improvement down the road.

Tracy Miedema: Any further discussion? Jay.

Jay Feldman: Yeah, I, John I appreciate your comment. And I hope that we, we can integrate this question into our discussion, uh, if it's appropriate and it sounds like you think it is and in the context of 605. Um, and I look forward to that happening down the road. Thank you.

Tracy Miedema: Alrightie. Any further discussion on this one? How about conflicts? Okay. Then we'll, oh Tina.

Kristine Ellor: Could I just ask that you, um, repeat the motion.

Tracy Miedema: Sure. Steve.

Steve DeMuri: The motion before us is to, uh, uh, for the renewal of Tartaric Acid made from, from wine, from grape wine on the National List Section 205.605 (a). And again the committee vote was 6 in favor, Zero against, and 1 absent.

Tracy Miedema: We'll proceed with voting. Madame Secretary who votes first?

Wendy Fulwider: Calvin Walker.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

Tracy Miedema: Yes. That's 14 - Yes, Zero - No. Motion carries. Chairman Steve, next material please.

Steve DeMuri: The, uh, the next material is, uh, related. It's a, again it's Tartaric Acid. This is the, uh, the version that's currently listed on 205.605 (b). Um, so the Handling Committee is recommending -- I'm going to state it in the affirmative. Um, the Handling Committee recommends renewal of Tartaric Acid made from malic acid on the National List Section 205.605 (b), which is the synthetic, um, side of the list. Um, the committee vote was 1 - Yes, 5 - No, Zero - Absent. So I move again in the affirmative for the renewal of Tartaric Acid made from malic acid on the National List Section 205.605 (b).

Tracy Miedema: Do I hear a second?

Jay Feldman: I second.

Tracy Miedema: Any discussion? Any conflict? Then we will proceed with the voting. Starting with Katrina Heinze.

Katrina Heinze: No.

Wendy Fulwider: No.

Joseph Dickson: No.

John Foster: No.

Nick Maravell: No.

Robert Stone: No ma'am.

Jennifer Taylor: No.

Kristine Ellor: No.

Colehour Bondera: No.

Barry Flamm: No.

Jay Feldman: No.

Steve DeMuri: No.

C. Reuben Walker: No.

Tracy Miedema: No. That's 14 - No, Zero - Yes. Motion fails. Chairman Steve DeMuri, the next material on the Handling Committee docket.

Steve DeMuri: Okay. We'll bypass the, uh, the ARA, DHA and Sulfur Dioxide. And move to Chlorine materials annotation recommendation. Uh, John went through that in great detail on Tuesday. Um, the, the committee is recommending for the adoption of this recommendation for, um, Chlorine materials, um, annotation. And John, I'm going to hand it over to you. And I think we made, uh, did we make changes on this one? I think we did make a few minor changes. So John, I'll let you, uh, explain those.

John Foster: Alright, up on the, up on the screen, uh, highlighted there is, uh, what we, what we voted on and we did this in committee last, uh, yesterday. Um, was to remove the last clause highlighted there. Um, after hearing, uh, public comment and, uh, after discussing it with the program. Uh, that was the only change that we've made is to remove the clause or followed by other effective intervention or testing steps that would reduce and verify the residual chlorine levels to be 4 milligrams per liter or less on the product.

Tracy Miedema: May I have a motion?

Steve DeMuri: John, go ahead and make the motion please.

John Foster: The, uh, I move that the annotation for Chlorine on 205.605, uh, be changed accordingly. Uh, 205.605 (b) synthetics allowed. Chlorine materials. Chlorine materials (Calcium Hypochlorite Chlorine Dioxide and Sodium Hypochlorite). For disinfecting and sanitizing food contact surfaces, equipment and facilities may be used up to maximum labeled rates. Chlorine materials in water used in direct crop or food contact is permitted at levels approved by the FDA or EPA for such purpose. Provided the use is followed by a rinse with potable water at or below the maximum residual disinfectant limit for the chlorine material under the Safe Drinking Water Act. Chlorine in water used as an ingredient in

organic food handling must not exceed the maximum residual disinfectant limit for the chlorine material under the Safe Drinking Water Act.

Tracy Miedema: Do I hear a second?

Steve DeMuri: I'll second.

Tracy Miedema: Any discussion and I would like to hear the vote too if we could.

John Foster: The vote was, uh, 7 - Yes, and Zero - No.

Tracy Miedema: Thank you. Any further discussion? Katrina Heinze.

Katrina Heinze: Um, I apologize for this. But, um, I'm having another blank. I don't remember pulling out that sentence. And I believe we public comments saying that intervention is necessary. But aren't, aren't there applications where when we use chlorine in water it's not followed by a potable rinse? I need some help. You guys are looking at me like I'm crazy. So obviously I don't know what I'm talking about.

John Foster: The highlighted text on the screen is what's staying in. Okay. Um, I, thought there was vegetable where we had three or connected clauses.

Tracy Miedema: Let's hear from the program.

Miles McEvoy: Okay. Um, so we put out draft guidance on chlorine and then final guidance which, um, seemed to get broad support from the comments that we received. And we haven't heard any complaints about it and it does that include that last clause. Um, and so what we brought up, um, to the committee or to the board earlier this week was that that last clause to us was confusing and not necessary since the current, uh, guidance is working for the industry as far as we can tell. We haven't heard any complaints or any operations that can't, um, meet the guidance that is currently out there. So this would align with, if you remove that clause it would realign with that. The last clause, um, our questions were what was the meaning of that? What kind of intervention are you referring to? What kind of testing steps are you referring to? What would be tested? Um, so that, that was our questions and then we met with the committee and they, uh, are now proposing to remove that last clause.

Tracy Miedema: Any further discussion? Katrina.

Katrina Heinze: Um, okay, I just want to walk through this to make sure I understand with that clause gone. So the first paragraph addresses

situations where the materials are used to sanitize equipment. So I am aware of situations there where a rinse does not happen. And that paragraph does not say a rinse is required. So we're fine for that. The second paragraph is when, um, you have chlorine in water that's used in direct crop or food contact, so presumably that's during operation where you might be, um, I'm less familiar with this. But maybe in vegetable processing where you have some water that's pushing some vegetables along. So that's during processing. So what we're saying is, the vegetables get pushed along and then they have to be rinsed with potable water period. And then the third one is, and then do it again. So I get the third paragraph. Am I understanding that second paragraph?

And do we have any public comment that says that's a problem. This is a food safety issue in my mind and I do not want to put industry in a first, in a situation where they can't meet their food safety needs.

Tracy Miedema: Discussion. John Foster.

John Foster: The, the recognition here was that in the context of direct contact since, um, you, you'll when you have that direct food contact with the water that has the chlorine in it, there's always water to test. And so that last, uh, that last clause implied that there was some other way the chlorine would get there. But since this is in water, chlorine materials in water used, it's specific to water and there's always water to test. So, um, that, that was thinking of it.

Tracy Miedema: Katrina.

Katrina Heinze: That part I understand. It's the elimination of the other effective intervention for, that I'm concerned with.

Tracy Miedema: Discussion. Any, I see Emily's hand raised. Mr. Deputy Administrator.

Miles McEvoy: Yeah, um, it's very common, uh, in post-harvest handling for there to be, uh, a rinse with or a, uh, a step where there's higher levels of chlorine in the, in the wash water, or the flume water as a food safety step, um, so that's where you have the higher than the safe drinking water levels in the water, um, in the dump tank or the flume. And then after that there'd be some kind of spray bar that would then have a potable water rinse. So you, so this is a situations where the organic food product, agricultural product is in contact with water -- we're saying that, um, under the final guidance that you have higher than the Safe Drinking Water Act

levels of chlorine in that water as long as at the end of that process you rinse it with potable water that's under the 4 parts per million for sodium hypochlorite and calcium hypochlorite in under .8 parts per million for, uh, chlorine dioxide.

Uh, standard industry practice certifiers understand this. And there has been a little bit of confusion for the certifiers but this is, this is only in the case where there's water in direct contact with the food. The first paragraph, as you said, is about, um, sanitizing equipment and the last paragraph is water as an ingredient. So those three separate uses of water in, um, in handling.

Tracy Miedema: Thank you. I see Joe Dickson's hand.

Joseph Dickson: Um, I'm clearly more confused on this issue than I thought I was 20 minutes ago. In, so in a handling context, say you're sanitizing a surface and I know that's not what that paragraph, paragraph is about. Air drying can be an effective intervention in certain situations. Is there a food processing equivalent situation where an intervention other than potable water where you'd, you know, let the food itself air dry as an intervention? I don't want to inadvertently exclude some common practice we're not thinking about.

Tracy Miedema: Any further discussion? Any answer to that question? Uh, Steve.

Steve DeMuri: Um, off the top of my head I can't think of anything right now. Normally you would, uh, for it's for, if you're going to sanitize a belt or a piece of equipment with that high of a concentration you would rinse it before there was any food contact. And I can't think of any applications where that wouldn't be the case. Not that there isn't any, but I, I don't know of any.

Tracy Miedema: Uh, Tina and the Deputy Administrator. And I'm hearing a lot of murmuring in the galley, wondering if this, uh, if we're ignoring something that is a known fact. I'd like to first call, uh, first I'll call on Tina.

Kristine Ellor: Um, if it's, if I could, um, ask the permission of the board to, to have Gwendolyn come up and talk about this. 'Cause this is sort of, this is her thing and she's an expert in this. If that would be possible?

Tracy Miedema: Before I do so, let, let's, um, be very clear on what our question is. Um, I understand it to be is air drying of a chlorine sanitized product currently used in organic food processing?

Kristine Ellor: That, that would be my question. And also, you know, I'd like to know if there are other, as, as Joe said, if there are other alternative interventions than, than rinse water?

Tracy Miedema: Gwendolyn Wyard, will you approach the podium.

Gwendolyn Wyard: Thanks. Gwendolyn Wyard. So, when the proposed guidance was put out there were comments, uh, received from OTA as well as a couple other certifiers. Um, at that time I had contacted our poultry operations. I was looking to see if there was a situation where, um, a water rinse wouldn't be appropriate. Um, I knew I had heard that in some cases a rinse with peracetic acid would be done. Or as was suggested here, um, air drying would be appropriate. Um, the comments and I'll just, I'll read what I received back from, um, two of our poultry operations. They said, in some cases the rinse with the potable, uh, water may negate the sanitation efforts. And/or conflict with other industry requirements. For example, in poultry operations the USDA requirement for moisture pickup on air chill birds is zero. Passing the product through the water rinse after the air chill process may violate that requirement.

Um, free available chlorines quickly reduce, due to contact, uh, with the organic material present on the surface of the chicken. Testing for residual chlorine on dressed raw chicken should approach zero, but currently most operations do not have a final rinse step as described in the NOP guidance. Um, other intervention methods typically time or rinse with another allowed anti-microbial such as peroxyacetic acid are used to reduce the chlorine to 4 parts per million or less. Um, I believe that the program addressed these comments as well, um, when the final rule came out. So I don't know, Emily if you want to speak to that, um, but I did follow-up with our poultry operations and for air chill situations they felt that, um, a different intervention step was required, um, per those USDA requirements on the moisture pick-up. So I can offer that much. Thank you.

Tracy Miedema: Thank you very much. Would the program like to weigh in on this?

Emily Brown-Rosen: Uh, yeah, we did receive those comments in response to our draft guidance on chlorine and so if you read our response to the comments that we issued a memo as the final guidance. We, you will know that we checked with Food Safety and Inspection Service and reviewed their protocols, uh, 7120.1 for ingredients used in production of meat and poultry and also checked with them and we were assured by

them that there are other substances approved for chill water and also that they did not have an objection to rinsing of carcasses. Um, so we decided that since this was a new proposal that the NOSB had not previously recommended we would not include that in our final guidance. Um, we are also checked with the poultry division and there is no prohibition against rinsing eggs either. So, um, we went ahead with the, as the NOSB had recommended in 2003.

Tracy Miedema: Jay Feldman.

Jay Feldman: I'm interested, excuse me, I'm interested in the, uh, committee's discussion about the residual levels resulting. I mean I'm obviously concerned about what goes in as well as what comes out of this process. But for the moment on the residual chlorine levels which you've established here and is tied to these other intervention methods. Um, do we not need a residual level at the end of the day here, even it's subject to a, uh, a potable rinse. Given that we're coming out a, a system where exposure, product exposure or what have you was at an elevated level and then what we're trying to do is dilute that level with a potable rinse. But the question for me is yes, what is meeting the Safe Drinking Water Act standard is good for the potable rinse, but does it achieve the objective, what is the outcome?

And it seems like we're trying to get at outcomes. Am I incorrect about that when you put the, when you put the standard in here of residual levels?

Tracy Miedema: Do we have anyone on the board who can speak to, um, limitations on the input level? I think that is directly related to what you're asking Jay. Because there's no, there are limitations on what the concentration is for the wash water. Steve, do you, can you speak to that.

Steve DeMuri: Yeah, I'm not familiar with all industries like poultry for instance. But I know in the industries that I'm familiar with you could just about use whatever you want on the, on a piece of equipment for instance. Um, as long as you, um, are rinsing and verifying that you're not above the Safe Drinking Water Act on the residual after that rinse. If that's your question.

Tracy Miedema: That would speak to the chlorine materials used in sanitization. Um, I think Jay what you were asking about was the chlorine materials used on direct food contact. And there are, uh, regulatory limits. So we've

got to, a buffer at the beginning and then we've got a metric at the end. What else, uh, might you suggest?

Jay Feldman: Well, I was just asking what the committee discussion was. Because you put, you know, the committee put this suggestion in here. So I imagine it was based on some thinking that we under the organic program needed to stipulate a level, you know, a level of residual. I'm not, this is a residual on the product, not in the water. Okay, that, that's what the committee originally proposed. I just for the record I just, if we before we drop this, as the program is suggesting, it would be nice to know what the thinking was on that by the committee.

Tracy Miedema: Katrina, then John.

Katrina Heinze: Um, this committee didn't put that in. That's the current listing that this recommendation has, is really to clean-up the current listing because it was confusing. It, to answer that, yeah, we're. Alright, I kind of leaned over to Wendy and said, wow, cleaning this up to match what USDA has done, has been a lot harder than we thought it would be. This is really just trying to clean-up what's currently existing and that's in the current.

Tracy Miedema: John.

John Foster: Yeah, I just wanted to, uh, add or clarify, uh, something that Steve DeMuri said. Um, that the chlorine would have to be used as per label directions, as per regulated by EPA and FDA, uh, whether it was used as a food contact substance or to clean equipment, there are specific, uh, requirements in terms of the use of these materials that need to be met. And I just want to make sure that that's in the record.

Tracy Miedema: Any further discussion? Joe Dickson.

Joseph Dickson: Yeah, I want to go back a few steps to what Emily was saying about other USDA regulations on poultry not precluding a water rinse. There are organic poultry producers in the marketplace making an air, air chilled label claim. And treating the meat with water would result in that claim being deceptive because of the moisture pick-up issues. And I think that's what some of the issues were that Gwendolyn was getting at from her producers.

Tracy Miedema: Mac.

Robert Stone: Well, and to follow on, on Joe's comment. It's not just deceptive, you have to document the bird's pick-up water and water weight being added to the product and that's, that's the issue there.

Tracy Miedema: Nick.

Nick Maravell: Um, this just shows my level of ignorance. But, um, does somebody, if, if there were testing steps, uh, uh, after an effect of intervention which was not a rinse with potable water, does anybody have an example of that technology or that testing protocol. I, I'm not just not aware of it. And I'd, I'd like to know, you know, what's out there.

Tracy Miedema: You know, um, that is not up for consideration right now. Um, just to be, be clear. But if anybody would like to mention that. I don't want to get off on a tangent about something we're not voting on now. Katrina.

Katrina Heinze: Um, I would throw out that this is, um, perhaps a bit of a mute point. 'Cause chlorine is an amazingly good scavenger of organic material. So if you put chlorine on a piece of meat the chlorine will be gone really, really fast. So that from a technical perspective there's really probably no residual on a piece of meat.

Tracy Miedema: Steve.

Steve DeMuri: Nick, to answer your question. As far as testing methods go, there's a multitude of different types of tests you can do to check for a chlorine residual. Titration, there's a little kit you can use like you would use for a swimming pool that go down to that kind of a level of accuracy. So the, the technology is there and a lot of processers use it.

Nick Maravell: Steve, just to clarify that for me. Do all of those involve a wet process, and that as you use water and then you test, uh, the residual with water or is, is there something here that's a dry process? That's what, that's what I, I don't understand.

Steve DeMuri: I know there are some swabbing techniques you can use for a dry surfaces. Um, I'm not ultimately familiar with those because we don't use those. But I know there's techniques for them.

Tracy Miedema: Any further discussion? Mr. McEvoy.

Miles McEvoy: Yeah, the, and that second paragraph what it's addressing is, uh, situations where whatever product is there is in contact with water. It says chlorine materials in water that, that's used. So the idea that you couldn't

have a potable water rinse because of some other factor. It's already in contact with water. So, uh, and again I would reiterate that we haven't had any trouble, uh, or complaints about this once the final guidance, uh, has been issued. Uh, the other thing I would, um, offer if, uh, the board would like is maybe we need to come back with some more, um, technical information about the use of chlorine in food processing for the next meeting. So that, uh, there's, there's more information on this particular issue. How it's used in most harvest handling and then processing facilities and what happens to the chlorine. I, I think it's that background information might be very useful for the, for the board.

Tracy Miedema: So implicit in that is we're not holding up anything you're doing. If we were to defer this item to a future meeting?

Miles McEvoy: Right. That's, that's correct.

Tracy Miedema: Okay. Any further discussion?

Steve DeMuri: So are you proposing we defer this then? I don't know why we would do that. If this works for the program the way it is, we should just go ahead and get it done.

Tracy Miedema: No, I'm not proposing we defer. I did want to check in with the program in case that came up where we know where they stood. Any further discussion? Seeing none, any conflict? Okay. John Foster.

John Foster: I don't think it's a conflict. But the company I work for uses chlorine as a food contact sanitizer.

Tracy Miedema: That is not a conflict. Thanks for disclosing. Um, any conflict? Then we will move to voting. Madame Secretary, please remind me again who we start the voting with?

Wendy Fulwider: Myself.

Tracy Miedema: Please proceed.

Wendy Fulwider: Could we restate it, please?

Tracy Miedema: John.

John Foster: Yes. Uh, I move that we revise the annotation for Chlorine on 205.605 (b) to read: chlorine materials (Calcium Hypochlorite, chlorine dioxide and sodium hypochlorite) for disinfecting and sanitizing food

contact surfaces, equipment and facilities may be used up to maximum labeled rates. Chlorine materials in water used in direct crop or food contact is permitted at levels approved by the FDA or EPA for such purpose. Provided the use is followed by a rinse with potable water at or below the maximum residual disinfectant limit for the chlorine material under the Safe Drinking Water Act. Chlorine in water used as an ingredient in organic food handling must not exceed the maximum residual disinfectant limit for the chlorine material under the Safe Drinking Water Act.

Tracy Miedema: Thank you.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: No.

Nick Maravell: Yes.

Robert Stone: Yes, ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Tracy Miedema: Yes. That's 13 - Yes, 1 - No. Motion carries. It's been about two hours since our last recess. So I am going to propose a very brief recess before we take on our last three Handling Committee materials and also before we go to lunch. So, like I said it's 11:34 right now. Please no more than 10 minutes. As soon as 10, uh, board members are seated in quorum in 10 minutes the meeting will proceed.

Steve DeMuri: Tracy, uh, the committee does need to meet to, uh, discuss this, uh, Silicon Dioxide recommendation. So we might need a little more time than that.

Tracy Miedema: Good point. Okay. 11:35 right now. At 11:50 the meeting will resume.

Katrina Heinze: Um, given how far ahead we are and the fact that Handling wasn't supposed to start 'till after lunch, why would not just take lunch, given it's 11:30?

Tracy Miedema: I see a lot of bobbing heads. 11:30. Okay. So we will go ahead and break for lunch. 11:35 please be back at 12:30.

[LUNCH]

Wendy Fulwider: Madame Secretary Wendy Fulwider.

Tracy Miedema: The meeting is back in session. Steve DeMuri, Chair of the Handling Committee. What is the next material for consideration?

Steve DeMuri: Uh, welcome back from lunch everybody. So you have a full bellies. Um, we're going to revisit the Silicon Dioxide, um, recommendation. The Handling Committee met at the break and we came up with a, uh, a new proposal was voted on. So I'm going to ask Katrina to take us through that. I can't get an e-mail right now. So she's got it on her computer so she'll, uh, take us through it. Lorraine, I think you probably have it.

Tracy Miedema: If there is no objection then we need not vote to take this motion back up. And if there's no objection we will take up the motion that was postponed and, and proceed with that now. Any objection? Okay. Thanks guys, we'll proceed.

Katrina Heinze: I apologize. I did have a chance to check with Lorraine to see if she got my e-mail with the change. Do you have it? Or do we need to use a memory stick to carry it over real quick? Okay. Um, Madame Chairman, if you could indulge us for one minute.

Tracy Miedema: Katrina.

Katrina Heinze: Okay. While Lorraine, uh, gets that out. Um, over lunch the Handling, uh, Committee met to rework the, um, recommend, recommended, um, annotation for Silicon Dioxide. Um, we considered

two things, um, during that. Uh, primarily aligning our language with past, uh, recommendations by the board which applied commercial availability to 605. We recognize that, uh, the program is not fond of us doing that. Um, but during classification, um, they had told us that while commercial availability could not apply holistically to 605, it could in unique situations be applied to individual materials. And so we wanted to make sure that our language was consistent with yeast, which is, um, the other time in recent, um, times that the board has done that. You can just scroll down to the bottom line.

Um, while we did that, there had been quite a bit of public comment and some discussion in committee that the one application, or the one use of Silicon Dioxide where we know that, um, an alternative rarely works, is defoaming. So to address the concerns that the certifiers had that this was quite a bit of work to verify, um, the commercial availability we chose over lunch to address that so that the commercial availability requirement did not apply to defoamers. Uh, move down. Keep going, that number two, right there. Okay. So, um, we, um, changed the annotation. It passed with a 5 - Yes votes, 1 - No vote and 1 - Absent. Um, I'll summarize the not vote but we can talk about that in more detail. That was, um, a no because of the concerns that certifiers had raised. That verifying commercial, commercial availability for a 605 item is, um, challenging.

Okay. So the new annotation that the Handling Committee is recommending reads: But 205.605 non-agricultural substances be synthetics allowed Silicon Dioxide, for use as a defoamer. May be used in other applications when non-synthetic alternatives are not commercially available. So that annotation allows use of Silicon Dioxide in all cases as a defoamer. And then limits the use of Silicon Dioxide in other applications to situations where the handler could demonstrate that non-synthetic alternatives are not commercially available. Is that what you needed me to do Steve?

Steve DeMuri: So would you care to go ahead and make the motion.

Katrina Heinze: Sure. I move to change the annotation of Silicon Dioxide on 205.605 non-agricultural substances be synthetics allowed to for use as a defoamer. May be used in other applications when non-synthetic alternatives are not commercially available.

Tracy Miedema: Do I hear a second?

Steve DeMuri: I'll second.

Tracy Miedema: Discussion. Mac and then Tina.

Robert Stone: I guess I have two thoughts. Uh, one thought and a comment actually. The, the thought being is we evolve towards bringing organic alternatives in place of synthetics because that system is seem to be working. We're going to be wrestling with this again, so this language helps us to evolve bring other new things in and it's a consistency I'm seeing is just thinking ahead. The other is I am in support of an agricultural alternative even organic alternative to synthetics but I will vote no just on the workload for certifiers, just so know why it's a no.

Tracy Miedema: Tina.

Kristine Ellor: Um, I feel like you've, you've really changed the sense of the annotation from, um, all natural certified organic alternatives available, where is it? Not commercially available for a specific product process. And you've, you've taken that out. So my concern here and there were some comments on this, is that there are other applications besides as a defoamer that, um, that this may be -- the alternatives may not work for it. So that's, that's my concern. And you know, maybe you can answer my concern.

Katrina Heinze: We addressed it, um, in the, in the other applications. So that the sense is still there. It's captured in those, in other applications. It's in the, uh, may be used in other applications. So when not used as a defoamer. That matches, um, it mirrors exactly how the yeast language is written.

Tracy Miedema: Further discussion? Seeing none, any conflicts on this material?
Katrina.

Katrina Heinze: Um, my company I believe uses the, um, organic alternative in conventional products.

Tracy Miedema: Any other disclosures, etc.? Okay. Katrina, was that, uh, did you intend to recuse yourself or were you simply disclosing something?

Katrina Heinze: Simply disclosing.

Tracy Miedema: Thank you. Madame Secretary where, where we will begin the voting?

Wendy Fulwider: Joe Dickson.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: No, ma'am.

Jennifer Taylor: No.

Kristine Ellor: Yes.

Colehour Bondera: No.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Tracy Miedema: Yes. 2 - No's, 12 - Yes. I'm sorry, let me restate for the record. 11 - Yes, 3 - No. Motion carries. Steve DeMuri, Chair of the Handling Committee the next material will be recommending and voting.

Steve DeMuri: Yeah, I'd recommend that we move on to, uh, um, the first of the three that we, uh, deferred, 'till we had everybody here that we needed possibly. And that would be DHA. So I'd like to recommend we do that one next.

Tracy Miedema: Okay. On this material the Handling Committee met last evening and is bringing to the full board a changed proposal for voting today. So based on, uh, information that we heard the recommendation is for the material DHA from algal oil, not Hexane-extracted; other ingredients that are agricultural must be organic. To 605.(a). We did not reconsider from our original vote whether or not this material was synthetic or non-synthetic or our original vote stands that this is a non-synthetic and when we voted, uh, that the vote on that by the way was 7 - Zero. And the vote, uh, last evening on this material was also 7 to Zero. 7 - Yes, Zero - No. May I have a motion? Or do I have a motion?

Steve DeMuri: I'd like to ask, uh, John or somebody on that end of the table that can read that from where you're sitting to make the motion please.

Tracy Miedema: I'll turn the gavel over to, uh, Joe Dickson and make the motion. The first vote we'll need to take is on classification. So, in, uh, committee again our vote was 7 - voting in favor of the material as a, uh, non-synthetic. So that was the motion, 7 - Yes, Zero - No. I will make a motion right now to the full board to classify DHA from algal oil not Hexane-extracted other ingredients that are agricultural must be organic. That that material be classified as a non-synthetic.

Katrina Heinze: Good. I second.

Joseph Dickson: Any discussion? Jay.

Jay Feldman: For the record maybe Katrina you can do this just for the record explain the process the committee went through in making its determination on synthetic, non-synthetic.

Katrina Heinze: Okay. Um, we, um, relied heavily on the TR for the technical background but then we went through and applied the 2009, um, recommendation. So the two key points and very helpfully the TR went through this for the material as well. Um, as we've discussed ad nauseam, the, uh, the material is Hexane-extracted. The 2009 recommendation, um, states that extraction with a synthetic solvent does not, um, necessitate that a product be classified as synthetic. The material is non-synthetic if the, um, synthetic solvent, um, I'm having to paraphrase, is, uh, removed to a significant level. Um, and there is chemical change. And so the TR went through and, um, said in fact that that was the case, uh, given the process we were reviewing. Um, the second thing is the formulated ingredients. What that recommendation says is if they are, um, present, um, below a significant level the product, the material is classified as non-synthetic.

The TR went through and did that evaluation and said, that, um, given the levels of these other ingredients, um, their recommendation was that it was non-synthetic. And so after our review and a dive into the technical that was our assessment.

Joseph Dickson: Jay.

Jay Feldman: Thank you. I appreciate that. Um, and I should, I think the, the committee has the authority and ability to determine a synthetic, non-

synthetic and as does this board. Um, I was hoping to maybe and maybe you discussed this, uh, have more detail on how the committee came to its determination of insignificance. 'Cause as you know, uh, this board at its last board meeting, uh, on a motion to adopt an insignificant residue policy for synthetics in, in the extraction process and other processes. Uh, on a motion to accept, uh, EP tolerances and other federal standards failed to adopt that motion. I interpreted that as a lack of agreement on the board at this point in time on how we as a board come to a determination as to what level of residue of a, a synthetic material used in the processing remaining in the residue, as a residue in that, um, material be classified at the end of the day.

I think and I hope that we will come to some resolution on that. I, I know it's difficult. We will, but in this specific case if you did have any discussion on how you came to a comfort level with that level of insignificant, uh, residue it'd be good to get that on the record. Thank you.

Joseph Dickson: Katrina.

Katrina Heinze: Um, I will have to paraphrase again. Um, there is, um, a discussion of the significant, insignificant topic in the 2009 recommendation. Um, that, um, recommendation as you know, was based on a significant amount of work by the material working group which represented a broad spectrum of our stakeholders. That recommendation, their recommendation and the subsequent NOSB recommendation, um, uh, said that significant, recommended that significant be based on, um, these tolerances but recognized that more clarity was needed. Which was why we led to the definition. Um, so recognizing that this is a gray area, um, we had some discussion around, um, other materials on the list. Was this different than other materials? How those were classified. Um, and tried to rely on past board precedent with regard to other materials -- are they on the list, that had possibly similar processes.

And where they were classified. Um, as again as you know, the classification document that this board passed attempted as much as possible to, uh, formalize past board practice. It was not intended to change, um, as much as possible classification decisions. It was more to bring clarity to past decisions. So, um, given that this is a gray area, we tried to look back and compare processes. So that's how we got to it.

Joseph Dickson: Jay.

Jay Feldman: One last point on this. I read in the petition a, uh, .3PPM limit of detection. A process for, uh, looking through registers. I was hoping to get some discussion of that if, you know, and whether the committee looked at that level and if that's true, I'm working off memory here. Uh, but there was some limit of detection or identified in the, in the document and what I was wondering is was that the, um, the limit of detection that, uh, is technologically feasible. And typical or are, are they coming in at a higher level than we would like to see perhaps in organic. Again, I'm just trying to get this on the record so that as we move forward as a board and struggle with these issues down the road, we have some clarity on what we're looking at when we make these synthetic, non-synthetic decisions. Thank you.

Joseph Dickson: Katrina then Tracy.

Katrina Heinze: Um, we were aware of it. I'm not sure it totally weighed in. Because this is that gray area, and so we more had to look at comparable processes of things already classified non-synthetic on the list.

Joseph Dickson: Any further comment or discussion? Alright. Hearing none. Does anyone have any conflicts to declare? Alright. Well, we'll move forward with voting. Um, alright, there's a motion on the table to classify DHA from algal oil as non-synthetic. Um, Wendy, where we'll begin the voting?

Wendy Fulwider: John Foster.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes, sir.

Jennifer Taylor: No.

Joseph Dickson: Pardon me Jennifer? Tina.

Kristine Ellor: Yes.

Colehour Bondera: No.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

Tracy Miedema: And I vote yes. The voting is 12 - Yes, 2 - No. The motion passes.

Tracy Miedema: Okay. Chair, Handling Committee Steve DeMuri. The next recommendation before us.

Steve DeMuri: Yeah, the next recommendation, uh, would be for a listing of DHA. Now that we've determined it to be a non-synthetic we, the next step is to, uh, determine whether or not we should list it. So I'm going to turn back over to Tracy as the lead reviewer of this, uh, material.

Tracy Miedema: Thank you Steve. Do I have a motion? Lorraine, can you please increase the font size significantly for the substance.

Tracy Miedema: Thank you. Thanks. Yes, the motion is to...

Is to add DHA from algal oil not Hexane-extracted. Other ingredients that are agricultural must be organic to the National List Section 205.605 (a).

Tracy Miedema: Do I have a second.

Steve DeMuri: I count.

Tracy Miedema: Any discussion? Any conflict? Alright. Oh, Jay Feldman.

Jay Feldman: Any discussion on the motion, is that what you asked? Okay. I have some things to ask. Well, thank, thank you committee for all your work on this. Um, it's raising I think new areas of concern that I'm glad we're taking seriously. And I'm glad that you all have wrestled with the chemicals that are associated with the production of this, uh, substance. I am uncomfortable with what we're doing here as a board as a of matter process. And that is that, um, there are a number of issues that are I believe in conflict with both the intent and the letter of the law. That were clear in the petition. You've resolved, you've attempted resolve some of them. And I think your intent is, is right. However, I think the specifics are lacking. And this area, this is a new area for us. This is a new area of chemical I believe, the type of chemical. Um, or type of substance I should say. Sorry.

Um, and so we need to have a clear process here. Because this is going to be as used a precedent for others that come along. They'll be others beating on the door to get similar ingredients listed and products that are making claims about impacts on our health and our consumers that rely on us and the label for a determination that these things are in the marketplace, because they've been with that seal, because they've been reviewed by a board thoroughly that has looked at all the details and brought all those details to bear in it's review. The difference between what we're looking now in terms of this particular proposal recommendation and what was submitted by Martek is extreme.

And it's extreme in the right direction, but it is nevertheless extreme. And it has addressed one key area of concern. Which is the use of Hexane in the manufacturing process too. And the use of two areas of concern, and the use of other ingredients that may be in there, um, as well. However, I believe that we're not doing our full diligence. We have not done our adequate enough review based on statements I've heard and side discussions that I've been involved with that enables me to make a determination on whether we have reviewed all the ingredients that, uh, maybe down the road used in the production of this material or substance. And what I'm focusing on here is the extraction process. Um, Martek has listed a number of ingredients in there, in the process of the petition as you know. They've got powder, liquid, Hexane, non-Hexane, microencapsulated, non-microencapsulated citations in there.

They basically are saying that they've got two manufacturing processes. One with Hexane and one without. The one without is an enzymatic process, um, that it uses alcohol. Um, and the other is that the Hexane process. As we look at this thing I, I think beyond Hexane we have to look at whether we're opening the door to other extractants, other solvents, other aromatic chemicals that we don't know about. This is a whole new area for us I believe. Um, that requires us to be much more circumspect and I think much more directive in how we stipulate or delineate what we know and don't know about a product. So in this case what I'm most uncomfortable about and maybe Nick or somebody else can help me out with this. Is the fact that we don't know down the road if we prohibit a specific chemical in the extraction process whether that specific chemical will be replaced by another chemical of equal harm, uh, down the road.

And nothing in the language that you've provided us or asking us to support, uh, prohibits that. Once we approve, uh, this language we will

have approved an open ended process with the exception of the use of Hexane. And I'm, I'm personally uncomfortable with that given what I hear every day from the people that call me, what is in the organic product that I'm buying and spending money on and digging deeper into my pocket for. So, I would suggest if we go down this road and we stipulate in a proposal, stipulate exactly what we're approving. Rather than open the door to unknown materials that might be used down the road. So for instance, if Martek in its petition, uh, has identified enzymes, alcohol, sunflower oil, you know the ingredients better than I do. That we stipulate that this DHA is restricted to manufacturing processes that include the following.

Then we will not have opened the door to a whole new area. Um, and we would at least, well first of all, I'll be able to sleep tonight. But we'll, we'll be, we will at least know that we will have more time to evaluate future processes of these types of substances, uh, down the road. And I think in fact this opens the larger question which obviously we're not dealing with now. But you guys have struggled with. Uh, on the question of ingredient policy on this type of a thing. So, that's my question. Or my statement.

Tracy Miedema: Any further discussion? Okay, it looks like Tina and then Nick.

Kristine Ellor: My, my concern with being that specific would be then that would limit only that one company from filling this category. That would be my concern with that approach. But I do understand your concern. But I, I have concerns with that, that approach as well.

Tracy Miedema: Nick.

Nick Maravell: Thanks Jay for those comments. And I do appreciate your concern and I understand it. Um, I'll make the following points which may not fully satisfy your concern. Um, one is I, I feel a little uncomfortable along Tina's, uh, remarks, uh, for getting that specific. Um, you know, in the sense that are we in effect approving a brand or a proprietary process. Um, number two, we are talking about unknown possible future substances. And generally speaking the board tries to react to what is known and, and, and before it rather than try and second guess what might come before it. But more importantly, um, and this is where, um, you know, I hope I have the proper understanding from the program is that we're, as a board, going to be moving forward with policies to try to sort through some of these issues. So the certifiers will have clear guidance on how to go forward on other ingredients.

Uh, we're going to be coming forward with the policy with regard to nutrients, uh, I'm sorry. With regard to vitamins and minerals as well. And which also crosses into this same area. Yes, uh, it would be nice to have this all tied up, uh, so that there was 100 percent certainty as to what was going forward. But there's a public process for establishing, um, future policy that hopefully if DHA were to come up two years from now, we would have much clearer guidance on how to proceed. There are issues that you have raised, there are additional issues which we're all aware of. And I think we want to engage the public in deciding those processes, those policies. I'm sorry, those policies. And, um, we have a responsibility to respond to the petition before us and to make the best possible judgment we can make at the moment based on prior board decisions.

And what policy we do have in place. I don't think we're trying and, and well, let me rephrase that. We are not trying to create policy with this decision that is going to open the door. And I have surveyed the other members of the board. I've consulted with the program. Um, we're not doing that. And if there's any, we're putting that in our committee recommendation that we are not, uh, creating policy here, uh, that is opening the door to other, uh, decisions. We are making the best policy decision we can at the moment given the tools that we have.

Tracy Miedema: Thank you. One comment and then, uh, a clarification. Lorraine, will you please open the committee addendum. This addendum attaches to both the ARA and the DHA, uh, committee recommendations. Nick had an excellent suggestion last night to make it abundantly clear in case it was not already clear through the NOP memo and through our own writing to, to make a clarifying statement at the very end of the document which states -- you can shrink it. Not to brag. This document is not intended to set precedent, but merely to show the work that the committee completed on these two materials. A reminder that the NOP asked us after we had already published our recommendation to produce the criteria used to analyze the other ingredients. We didn't make up new rules, we went back to the criteria that had already been used and made them explicit and in list form.

Uh, we were also, um, we made clear at the very beginning of the meeting that we did not intend those to be, to set policy and the program went on record saying that we need not consider our work today to be precedent setting. And that policy, there would be plenty of time to do it, um, in a

measured sort of way. So that's just building on, uh, really what Nick was saying. Colehour.

Colehour Bondera: Thank you. Um, I mean I, I hesitate to even start trying to ask for clarification because from my perspective, and yes I am not on the Handling Committee I, I admit that. But from my perspective this is extraordinarily confusing. And there's so many flags that are raising questions that it's getting more confusing not less for me. And I apologize, but I'm going to state that. And so I don't know Nick, if you're the person, but you know, one of the questions that Jay brought up, uh, that I thought in my opinion hasn't been addressed directly. And I don't think is, is answered. When you look at the current proposal now that it's not up there I won't read it. But it says, not Hexane-extracted. And Jay mentioned, you know, why can't whoever it is and we can, uh, say that it's not a specific company, but in any case, why can't they just substitute some other, uh, something instead of that that's even worse than Hexane.

That's unclear to me. And excluding and specifying that detail is a little bit brand specific and bizarre because that's what their currently using. And then we say not that. But then how about everything else. If someone could address that particular question I would appreciate it.

Tracy Miedema: I'll defer to the NOP on this. Because is really an enforcement question. Would certifiers look into, uh, manufacturing processes when they approve a material?

Miles McEvoy: Well, they would do their due, due diligence to ensure that the substances that were being used complied with the regulations. So if the regulations say that the 605 material that, um, a company wants to use in their product cannot be Hexane-extracted, then they would verify that that's in fact the case. And if it was the case then they could allow it. If it was, if it was Hexane-extracted then it wouldn't be allowed in the products. So it's the certifiers doing their due, due diligence to ensure that, um, the handler is in compliance with the, with the regulations.

Tracy Miedema: I have one follow-up comment and one follow-up question. Um, do you expect because of our addendum that certifiers will also use the nine criteria that we spelled out in the addendum when they're looking at other ingredients? This is off the topic of Hexane and I want to save that one.

Miles McEvoy: Um, they would be able to use that for clarity around these particular materials. Because, uh, it's clear in the record that the, what the

board's intention was regarding other ingredients in these two compounds. It would not be appropriate for them to use that for other substances in 605. Because that's not what your, what the background information is about. You, you explicitly state that it's relevant to these two, uh, these two substances.

Tracy Miedema: Well, these materials are going to have a pretty bright light shined on 'em. I think, um, a company would, uh, go down the path of this sort of, uh, scenario that's being envisioned here of using something new and horrible at their peril. I mean there's never been a brighter light shined on how a material is being produced for organic. So we can kind of muddle or mole over I should say these scenarios, um, and we could do that with every single, um, we could do that we our materials. And a place to start, Colehour, if, um, if it's an area that you're taking an interest in and it sounds like you are, since I'm getting off the board, um, nutrient vitamins and minerals might be a really good place for you to start. Because, uh, while we know so much about these two materials that we're talking about, we know, um, relatively little about that nutrients vitamins and minerals in terms of other ingredients.

In terms of manufacturing processes, uh, extraction methods, etc. So that would be a very ripe area to look into. Um, where this is a very well understood area. Nick.

Nick Maravell: Um, Colehour in an attempt to address your concern in an additional manner. Um, I'm going to ask the program a question. Um, assuming we go ahead and, and develop clearer guidance that will be helpful to certifiers, um, on the use of other ingredients. Um, can we go back and look at decisions that have already been made by the board, whether they're in compliance with the new policy? And number two, if we were to write in there, um, a specific, uh, extraction, um, set of materials and process, and suppose that were to violate the new policy we come up with, then we have a board action specific to a particular extraction method and it violates our method. I mean that's, that's a possibility. The same thing would apply by the way for the Hexane prohibition. If that turns out to be, uh, the board decides in its policy that Hexane would qualify, then are we, when, when does it become incumbent upon us to review these decisions?

So I'm, in light of establishing policy. So I, I ask that of the program.

Miles McEvoy: Okay. I think, uh, in terms of how I understand your question is that the, um, in terms of other ingredients what we're requesting is that the board develop an overarching, uh, policy on other ingredients in 605 materials and that once, uh, you developed a final recommendation on that, then, uh, then the program would work through the, the rulemaking process through a proposed rule with public comment and a final rule to codify that in the regulations. Once it was codified in the regulation then certifiers and, and certified organic handlers would have to comply with the regulations for other ingredients as a comprehensive, um, way of looking at those other ingredients in 605 materials. The board in their, uh, statutory authority over National List substances has a responsibility to review petitions and review, um, do the Sunset review every five years.

And, um, depending upon where you are in that process when those regulations are, uh, finalized. I guess once the regulations are finalized then you would utilize those final regulations as part of your review process. Either for new petitions or for, um, through the Sunset process.

Nick Maravell: So Colehour, our process would be under a new policy we consider people petitioning to change the annotation or we could consider this at Sunset. So those, that would be the process by which we would review any decision that we had made, uh, concerning these two materials.

Tracy Miedema: Colehour.

Colehour Bondera: I apologize but for clarification, uh, just for my own sake, uh, what annotation? I'm unaware of an annotation.

Tracy Miedema: The, um, material as, uh, proposed today has an annotation. And the annotation is not Hexane-extracted; other ingredients that are agricultural must be organic. So those were some tall fence posts we put up around the material. Barry.

Barry Flamm: I appreciate the, uh, the effort of the committee to try to address these problems. And I think some of 'em are addressed. But, but I'm wondering, um, you know, what the, the reaction to the people who are, were in opposition to the petition, whether or not, uh, this satisfies at least some of the concerns. Um, therefore I'm, did the committee discuss or considered postponing this and, uh, and with the, um, so that the public could, could look at this with the, um, with these changes? And they are important changes, which I appreciate. So.

Tracy Miedema: Steve.

Steve DeMuri: Yes, Barry we definitely did consider deferring it to, to the next meeting or even later. But this thing has been languishing for a quite a while. And there's some, uh, processors out there that are looking to us for an answer on this. So we felt like we owed it to them to give them an answer. So we did the best we could. You know, we've compromised on it. Um, like somebody has mentioned this will come up again for Sunset in five years. At that time you can ask for another TR that will specifically look at additional methods that might be, being used or could be used at that time. And take it from there. And exclude those if you don't think they should be, uh, uh, part of the process. Also, a caution that if you make the processing methods too prescriptive you could have the effect of going the other way.

Steve DeMuri: And if somebody comes up with a less, um, um, harmful should I say, um, process such as steam extraction, they might be excluded from using that as well. So, you have to be careful what you do.

Tracy Miedema: Tina.

Kristine Ellor: And I'm just going to throw this out there. Because I heard somebody talking about it in the hallway. That, you know, if ever do have a microbial organic standard this could be made possibly in the organic form. And that, of course, would be the, the best possible of all worlds.

Tracy Miedema: Any further discussion? Jay.

Jay Feldman: Nick, I appreciate your insights and your interpretation of the effect of this action. Um, this would be what you're describing as an, uh, an action that doesn't, uh, create precedent, is unprecedented. So I'm glad you're breaking new ground here. It's actually ground that I like to see broken. Because we are told that the actions of the previous board are actions we should honor as we move forward and only if we have new information should we choose to change up a previous action. It's a pretty high threshold. Because as you know, there are, there are new understandings that may be subtle. There are complicating factors as to what is actually defined as new information when we sit down and look at old information. Um, so the fact that, that statement is at the bottom of the page is very telling.

As opposed to being at the top of the page. That this is not to be taken as a precedent for any future action by board. Because that would be as I say a break, um, from the history of, of how we've, we've proceeded.

There's a term that's been thrown around on, on this petition that is something I don't quite understand. And this is why I'm, I'm, this proposal frightens me. And that is that we're dealing with a generic material. And that somehow is supposed to suggest to this board that we, you know, we're creating an allowance for a substance that anyone can create, that anyone can produce. And that anyone can, you know, try to introduce in some other form into the marketplace. And that may well be true. But in, in effect if you read the petition, um, Martek was very clear that they wanted to be sure that any alteration of the annotation and what it, that any alteration in Martek's manufacturing process in the annotation would be unacceptable to the petitioner.

And would result in a materially -- and this is, would result -- this is a quote. Would result in a materially different infant formula ingredient. Now I, I suspect that holds true for the other ingredients that they produce as well. Um, obviously when you take Hexane out I guess the question is do they any longer have an infant formula ingredient. I guess if you could answer that question as well. But the point is that the petitioner makes it very clear that it is expecting that this board adopt an allowance that would enable their manufacturing process to go forward. So the analogy holds that if we adopt a specific manufacturing or manufacturing ingredients, that anybody can utilize those ingredients and should somebody now having seen this product come to market, choose to introduce new ingredients, they could do that through the petition process.

My concern is that we not wait as you suggested for a Sunset and get behind the curve. I would think we have learned enough now in organic production and methods that we can get ahead of the curve. That's what I'm trying to get at here. That my biggest frustration in my two years so far on the board has been being behind the curve. And we have an opportunity here with the new material to get in front of the situation and not accept statements like, we can deal with it if somebody identifies a problem. We should be about preventing problems. That is exactly what people are expecting us to do when they see that seal. That want us to be in front of the problems, not in back of the problems. So well, what you describe is true that we have a good process to go through a reevaluation. We also have a good process to utilize our experience and our knowledge to get in front of this. Now I, I want to say that I'm not looking to vote against this material, that's not why I'm raising this.

That's not my intent. My intent is to get something on the table that is clear limited, concise, creates incentives for new manufacturers to come on with safer ingredients. But doesn't leave the barn door open so that we cannot put the horse back in the barn or the cows, which I guess are harder to, to do. Um, so I, um, I hear everything you're saying and I appreciate it. And you know, you're describing the process that we have. But if you look back at a lot of the decisions that we're made years ago I think it's fair to say that we could have gotten ahead of the curve more at junctures just like this, junctures just like this, where we're presented with a so-called generic material or substance and are not using our due diligence to attribute specific as Martek itself described in its, in its petition. It was trying to, it was trying to develop a, it was saying to us that we need you to prove our specific process.

Now I'd like to say to them, well we have some guidelines and standards and issues that we have to address. So we would like to stipulate that you only use these materials, until we can learn more. So, again I appreciate what you guys have done. I think you've, you, you have limited it, in, in a way that's important. But you haven't yet gotten a handle on the full breath and depth of what we have a duty to do. And this is a bad precedent, no matter how you want to spin it Nick. This is a precedent. And it will be pointed to as the best we could do. I had to vote today for this being a non-synthetic because of precedent. Okay. Do I think it's a non-synthetic? I don't know. We don't have a policy yet on what the residual in an ingredient is of a synthetic in organic. We let the horse out of the barn before we, before we approved extraction processes.

And I, I'm not blaming anybody but that's the reality. So I'm trying to, I'm saying we need to prevent that now, so that when I vote on something I don't just have to rely on precedent. But I can, you know, start asking other questions. And so I, I think, I think it's a little, uh, unfortunate that you're characterizing this, uh, and I'm glad you added that statement. But the power of it I think is extremely limited.

Tracy Miedema: Board members, Jay I would ask your help in this. Just so that we promote a free and open dialogue that we don't sort of filibuster and hold the floor for such a long period of time. We really need the repartee many voices. We've had a lot of hands up for a long time. You've held the floor for about an hour on this topic. Nick, and then Tina.

Nick Maravell: Jay, thanks, um, for those comments. Um, I probably stand correctly here. This is not without creating precedence this is limiting the

precedents to this decision. And it, and it is true that we are encouraged to look at previous board decisions. But we are not bound by previous, uh, uh, board decisions. And so we're providing guidance here for future boards. I agree this does create precedence. We are trying to limit that to the least amount of precedence that it could establish. But your point is well taken and I understand it. Um, with regard to, uh, specifying, uh, in more detail the manufacturing process and chemicals used during extraction. I'm almost going to have to say that's above my pay grade. Because it starts to get into issues that truly you and I haven't really grappled with and get into proprietary issues and patents. Are we in effect approving a generic that really nobody else could produce except one particular company.

So I, I, I have not grappled with that and don't feel comfortable establishing precedence or policy on that here. Um, but I, I do appreciate the, the dilemmas that we face. I will just point out one more thing. We don't have to wait until Sunset to review this. Um, anybody can come into petition, uh, a decision made by the board, uh, with regard to an annotation or a listing. Um, and, um, I'm not adverse to that. And then we do get the chance to look at it sooner than Sunset with additional technical input, with the public engagement. I might quote a little bit or a paraphrase 'cause I can't remember the quote. But I can paraphrase a little bit from Churchill, you know, democracy is the most inefficient form of government I know, but it beats all the alternatives. And I feel that we have an open and democratic process here.

It may not be the most efficient, but I haven't, within the tools that we have available to us, I have not figured out a more open and democratic way to proceed on this.

Tracy Miedema: Thank you Nick. And you asked what I have here back on this absolutely Nick is 100 percent accurate. That any member of, uh, the human population, maybe not just Americans, can create a, send a petition into NOP on this material or on the annotation. And, uh, we have a fantastic free and open process on that. Nick's absolutely right. Tina.

Kristine Ellor: And, um, respectfully both agreeing and disagreeing with, with Jay. Um, you know, for reasons out of our control we are already behind on this. This is out in the marketplace. So you know, we've already started out kind of, um, behind this. But I feel like we're pulling ahead actually. This is the part where I disagree with you. Um, by using an annotation like this. And because with other things, with other categories and with other

ingredients within this category we have not made those same restrictions. So I think that, you know, in that way we're pulling a little bit ahead on this. And to just, um, carry your barnyard analogy a little bit further. There's always opportunities to open the barn door and exchange the animals. And there's always an opportunity to get all those animals in and shut the door. Or to open the door and let all those animals out.

We have, not only do we have the petition process and Sunset, but we now have the ability to change annotations at Sunset. So I feel like we have, you know, plentiful tools for opening and closing that barn door, um, not only with this material but with everything we look at.

Tracy Miedema: Any further discussion? Barry Flam.

Barry Flamm: I appreciate, uh, this discussion and these efforts, but, uh, realistically I think, uh, once we give the green light on this and it's going to be really difficult to make any, uh, significant changes. I can't see in the short term of, of making annotation changes or, um, or, um, doing it at Sunset after going through these processes for the last four years. I, you know, with the kind of, um, questions that have been raised here and, and the lack of answers to 'em. And the concern by a large number of public I can't see that, um, something is going to happen in two years or three years that, uh, would get us to change this thing. And that's my opinion.

Tracy Miedema: Any further discussion? We're going to use the three minute, uh, comment on this one.

Jay Feldman: Thank you. Just to use John Foster's analogy. I think we're at an intersection. But instead of there being four stop signs I think there are three. And that can create havoc, because while you think you have gotten things under control that, that person that doesn't have that one stop sign can cause a lot of havoc in that intersection. And so thank you John for the intersection analogy. Um, just to, I prefer not to vote against this, because I think there's some applications of this that may fit into organic system. But I'm forced to vote against, I prefer to delay as Barry, as Barry, uh, suggested. I think we don't have all our ducks in a row. I think we probably can get them all in a row. Um, but if we can't, um, if we can't do that then I'm, I must, I just wanted you all to know that I'm going to vote against it. Thank you.

Tracy Miedema: Katrina.

Katrina Heinze: And Chairman, I think it is time to call a question.

Tracy Miedema: Alright. We will check our Robert's Rules real quick and see whether we immediately proceed with voting or whether we need to take an interim action on the call for the question. Alright. We're ready to vote. And we will start with Nick.

Nick Maravell: And could we restate the motion.

Tracy Miedema: Yes, let me restate the motion. The motion is to list DHA from algal oil not Hexane-extracted. Other ingredients that are agricultural must be organic. For inclusion on the National List 7 CFR 205.605 (a). Nick.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: No.

Kristine Ellor: Yes.

Colehour Bondera: No.

Barry Flamm: No.

Jay Feldman: No.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Tracy Miedema: And the Chair votes yes. That's 10 - Yes, 4 - No. Motion carries. Chairman Steve DeMuri of the Handling Committee, what's the next material up for voting today?

Steve DeMuri: Thank you everybody. Good discussion. Um, very helpful. Um, let's move into, uh, ARA next. And, um, again I'm going to turn it back over to Tracy as the lead on this material for us.

Tracy Miedema: The Handling Committee met last evening on both DHA and ARA. The edits that we produced, sorry the annotation that we produced for this

material and changes is very similar to that of DHA in terms of, uh, the restrictions. One, uh, correction that we wanted to make so that there was absolutely no confusion that we were listing the generic version. We didn't want the letters to even in the future ever add to an acronym. Um, we made sure to call the material by its generic. So that was the removal of single-cell oil and calling the, um, the material fungal oil. And we added the constraints, the annotation not hexane-extracted; other ingredients that are agricultural must be organic. The addendum is attached to both documents. And so the same statement, uh, change that we reviewed a moment ago on DHA applies here to ARA as well.

Which states that this document is not intended to set precedent but merely to show the work that the committee completed on these two materials. May I have a motion? Let me restate that. Is there a motion?

Steve DeMuri: Yes. I'd like to make a motion. The first one would be to list the material as a non-synthetic.

Katrina Heinze: I second.

Tracy Miedema: Any discussion about the classification of this material as a non-synthetic? Any conflict? Okay. We're ready to vote. Again, the motion is for the classification of Arachidonic acid fungal oil or ARA, not hexane-extracted, other ingredients that are agricultural must be organic as a non-synthetic. Mac, you'll vote first.

Robert Stone: Yes ma'am.

Jennifer Taylor: No.

Kristine Ellor: Yes.

Colehour Bondera: No.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Tracy Miedema: Yes. That's 12 - Yes, 2 - No. Motion carries. The next portion of this material will be to look at its listing. The first vote is on the classification. The second vote is on the listing. Is there a motion? Font size please.

Nick Maravell: Okay. I'll make the motion is to add Arachidonic acid fungal oil (ARA) whoops. I can do it from memory but it won't come out right. Not hexane-extracted other ingredients that are agricultural must be organic and we are adding this to Section 205.605 (a).

Steve DeMuri: I'll second.

Tracy Miedema: Any discussion? Jay Feldman.

Jay Feldman: For the record can you describe the current extraction process in the chemicals used.

Tracy Miedema: Katrina, did you... Jay, would you like, um, someone to read from the, um, petition and/or technical review?

Jay Feldman: That would be helpful. I'd like to get that on the record.

Tracy Miedema: Go ahead and, um, I'll back you on citations from the petition and TR as needed.

Nick Maravell: Okay. I'm reading from the technical review starting on Line 212. Um, I'm, I'm the last list. There's some parts further up I'm going to have to read from 204. But the, um, there's a non-genetically modified soil fungus *Mortierella alpina* which, uh, serves as the basis, uh, for, uh, forming the, uh, ARA. Synthesis begins with the aerobic fermentation of the fungus in shake flask containing a growth medium. Um, yeah, I think can skip -- well okay, is the fermentation broth typically includes mixtures of nitrogen and carbon sources such as glucose, molasses, high fructose corn syrup, soy flour, hydrolyzed starch, and yeast extract among others. The fermentation broth can also include a number of bulk nutrients, trace minerals, starch and, um, saccharifying enzymes. I'm not sure I got the pronunciation on that right.

The fermentation process is finished, uh, in, um, I think they mean stirring tanks, stirred tank fermenters in, uh, which temperature pH airflow, pressure, agitation, dextrose concentration and dissolved oxygen are monitored and controlled. The pH of the fermentation broth can be particularly effected, can particularly effect microbial growth in the amount and profile of the oils produced as a result pH profiling is conducted through the addition of food acids and basis to maintain a pH of, at a desired level. The microbial biomasses and harvested from the fermentation broths using filtration, uh, centrifugation or spray drying. Oil can be extracted directly from the crumbled wet mycelial cake, the harvested biomass, using polar solvents such as ethanol or isopropyl alcohol in a reaction kettle.

Super critical fluid extraction can also be used on the wet cake by employing carbon dioxide or nitric oxide solvents in a manner similar to that used in decaffeination of coffee beans. Um, alternatively the mycelial cake be dried and harvested via vacuum drying, fluid drying, spray drying and, uh, lyophilization after which the oil is extracted using non-polar solvent and wet grinding, and wet grinding. Although the preferred solvent is hexane, other solvents can be used for this process -- that can be used for this process include ether, methanol, ethanol, chloroform, dichloromethane and petroleum ether. The extraction process results in an oil clouded with suspended fine solids that can be, that can interfere with the refinement of the crude oil. Clouded crude oil can be clarified through the addition of a move, in addition of a more, I'm sorry, um, polar solvent such as acetone.

The mixture is then, uh, desolventized through the treatment of heat and vacuum and the solvent is recovered and reused. Okay. I think that's the end of the process.

Tracy Miedema: Any further discussion? Jay Feldman and do, let's all be mindful of the repartee free and open everyone getting their turn. Okay.

Jay Feldman: Thank you Nick. I wish I had you around when I was reading my kids their bedtime stories. It would have been... (laugh) Um, did you know there were all those solvents in there? That did not include hexane?

Nick Maravell: Uh, yes I was aware of that. That's not the, the, the procedure that is said stated to be the, um, what should I say, the preferred, uh, procedure. Those other solvents are permitted, um, or permitted are available, uh, for making this, uh, product. Yes.

Tracy Miedema: Jay.

Jay Feldman: I mean this was my point. This is my point. We're opening up the barn door. And we don't really know what we're opening up for. And it really is premature to be doing this. This is, people expect to us monitor and provide oversight and to review, and we make our best judgments. But when we have an open-ended list with acetone, chloroform and, and Steve says hundreds of others that could be used. We need to know what, what we're doing. That's all. Thank you.

Tracy Miedema: Nick. And then Steve.

Nick Maravell: The comments that we received, which is what the committee recommendation was in part responding to, uh, did not draw our attention to these other extractants as a potential cautionary area. So that's the only thing I could state on that.

Tracy Miedema: Steve DeMuri.

Steve DeMuri: Well, of course a TR or a petition is going to list every possibility known to man that they know of at the time. Um, but to do nothing, the furthest to wait for more information when we think we've done the best we can at this point in time, is just going to let it languish even longer. So, you know, my, my recommendation would be to move on this with the restrictions that we've made. And, uh, uh, do something.

Tracy Miedema: Any other board members? Jay Feldman.

Jay Feldman: I mean one, one thing we could do in this context is substitute, uh, no, no, uh, solvents or no organic solvents in place of hexane. That would broaden the net obviously a little bit, a lot. And we wouldn't have to feel -- I mean one of the things we, we've tried to do in organic which makes it so different from the conventional side, is we've tried to understand our inputs. We've tried to know what they are. Our biggest criticism on the chemical side is that the degree of unknowns is unacceptable. So why are we going down that path. Let's, the only reason for delay Steve is to capture this and create a net that we feel comfortable with. So we're making an informed judgment. And yes, I agree with you, I don't want to delay either. But if it's a delay of six months, I don't, I would feel better about that delay and, and ability to answer these questions.

Tracy Miedema: A reminder that this isn't one -- for everyone, that this isn't one of the other ingredients. This is an extraction material not present in the final product. Tina and then Katrina.

Kristine Ellor: Um, I, I would not be in favor of saying, no solvents because there are solvents that, of course, would be allowed like alcohol under, under the statute, correct. So, and just for the record, all of the comments I made on that last material for me also applied to this material.

Tracy Miedema: Katrina.

Katrina Heinze: I want to be careful that we're not, um, applying requirement or thinking to this material on 605 that are different to other materials on 605. Just like the other ingredients that we've asked to look at, if there's a need to look at the solvents that are used in those materials, I would advocate for taking that up as an approach to 605 in its entirety, rather than holding one material to very different standards. Would be the approach. So I'd, I also would advocate for moving forward with this. But would recommend that a future, um, Handling and Materials Committee to work together on, on that solvent question. There are other materials that are have a very similar list than their TR that had very, very little concern from the public, including hexane-extraction. So it, it feels like an extra burden is being applied to this. Which doesn't say that in the future perhaps a more overarching policy could apply to all the materials.

Tracy Miedema: A process check in our agenda. It's 2:15 -- we've budgeted until 2:45 for the Handling Committee and we have not yet taken up Sulfur Dioxide. Which is a topic that may have some discussion. So, um, that's, those are our facts. Jay Feldman.

Jay Feldman: Tina, I don't know if, um, using not volatile synthetic solvents would make a difference. But I suspect not. In any, in any event, that's something to consider. But I wanted to just -- this will take one minute to read and the TR, the petitioner reports that, um, no detectable hexane residues remain in the oil mixture after dissolventation. A Swiss study that examined vegetable, 41 vegetable oils for hexane residues, however, did detect hexane residues in 12 percent of oils tested using a detection limit .01 milligrams per kilogram. This is in the TR. Indicating that residues, residual hexane from processing of 236 food grade oils can occur, all be it at levels below accepted tolerances. So again, we have a duty and I, Katrina I know, this is not on the table in a sense that we don't have a

policy yet on what level of detectable residue is acceptable to this board under the organic standards.

But we have a duty, uh, to understand this that in fact there, there are these residues in there and in, in effect we are, we can either seek to try to prevent them to extent possible. Or we can just accept it and say, there's not much we can do about it.

Tracy Miedema: Katrina.

Katrina Heinze: Jay, I'm glad you brought up that point. Um, we did look at that in our evaluation. Um, Martek stated where this says there's no, um, detectable residue is specific to the, um, ARA fungal oil. So it's specific to their process. The other data from the TR is vegetable oils available in the marketplace. It's not data that is, can be extrapolated to this process. So it, it's a fact but it's, um, apples and oranges in this case.

Tracy Miedema: Alright. Uh, we're getting down to it. Uh, Jay Feldman.

Jay Feldman: The last thing I want to say is I, I respect the public comment period. Or the public comments that we received during the comment period. And treat that very seriously and think it, it is incredibly enlightening and important to our process. But as many of us have discussed it, it is not the only part of our process. And should we not be alerted to issues by our constituents, our public, our community that does not release of the responsibility to dig deep as deep as we can into these issues and make the best judgment we can. Thank you.

Tracy Miedema: Well put. Okay. Any further discussion? Any conflict? Time to vote. I believe we're at Jennifer, Made Secretary? I will restate the motion. The motion is to list Arachidonic acid fungal oil or ARA not hexane-extracted. Other ingredients that are agricultural must be organic to the National List 7 CFR 205.605 (a).

Jennifer Taylor: Thank you. No, ma'am.

Kristine Ellor: Yes.

Colehour Bondera: No.

Barry Flamm: No.

Jay Feldman: No.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Tracy Miedema: The Chair votes Yes. That's 10 - Yes, 4 - No. Motion carries.
Handling Committee Chair Steve DeMuri. The final material that we are considering today is...

Steve DeMuri: Well, last but certainly not least we're, uh, um, considering a petition for a change to Sulfur Dioxide. Um, it's an amendment to the annotation on the National List on 205.605 (b). The, uh, proposed annotation is 205.605 (b) non-agricultural, non-organic substances allowed as ingredients in or on processed products labeled as organic or made with organic specified ingredients or food group. (b) synthetics allowed, sulfur dioxide for use only in wine provided that total sulfite concentration does not exceed 100 parts per million. The, uh, committee vote on this was, uh, 5 - Yes, Zero - No, 2 - Absent. So I'd like to, um, move that the board accept this annotation as I just read.

Tracy Miedema: Do I hear a second?

John Foster: I'll second.

Tracy Miedema: Discussion. Alright. I'm seeing none. Steve, uh, for perfect clarity since this is an annotation change -- a petition to change an annotation which expands the use of a material, would you mind, uh, just clarifying what the change is.

Steve DeMuri: John was the lead on this. So John, jump in if I, if I fumble here. But, um, what this annotation would do would, uh, would allow, um, for the use of sulfite in wine label as organic when currently it's allowed in wine that's, wine that's labeled in the made with category. So it opens it up to,

uh, um, using sulfites in wines that can carry the USDA seal on it. Currently they're not allowed to do that.

Tracy Miedema: Katrina.

Katrina Heinze: I only half raised my hand during the discussion. But I do think I have some discussion, if that's still allowed.

Tracy Miedema: Sure.

Katrina Heinze: Um, so I have struggled on my decision with this, and so following my own advice, I spent some time and went back and read the 1995, I think it's April 1995 transcripts and looked at the original TAP reviews. Um, and thought about this idea of consumer choice. So that's been one of my guiding lights on this board is that I want -- I respect the choices that consumers make. And I wanted them to be able to make this. So a couple thoughts, given all that. One, the biggest surprise I found was that when the, uh, board in '95 voted to classify Sulfur Dioxide, it was 8 for synthetic, 6 for non-synthetic. Which kind of surprised me. So, um, you know, we've talked about how this is a synthetic and wow, we're opening it up and allowing it. But it was interesting to me that two out of the three TAP reviewers classified it as non-synthetic and it wasn't slam dunk at the board.

So that was one thing I wanted to share. The other thing is we heard a lot of public comment yesterday that, um, leaving the annotation as is so keeping the use of Sulfur Dioxide limited to made with organic, um, optimized consumer choice. And so in the very, um, analytical way that sometimes that I approach things, I made myself a table last night. And that said, with today's annotation what wines can I buy in the marketplace? So I can buy conventional, um, added sulfites, conventional no added sulfites. I can buy made with organic added sulfites. I can also buy no added sulfites. But I don't think there's any on the market. Um, and I can buy organic no added sulfites. With this annotation change, um, all those still remain in the marketplace. What gets added is organic with added sulfites. That's an improvement in consumer choice.

Only in my opinion. But that gives consumers more choice. So that was something else I considered. I just wanted to share.

Barry Flamm: Question to Katrina. It seemed like the consumer has that choice now with made with, because it seems, if I understand a sense of the only,

only difference between the made with and the organic seal is that the made with has, has the sulfites in it.

Tracy Miedema: Katrina.

Katrina Heinze: Except we've been telling our consumers that, um, if you want at least 95 percent you need to buy stuff with the seal. So we heard public comment that said, some consumers really understand it now, and it's clear. I believe that to be true. I believe there's probably other consumers who, for whom it's maybe not clear. And, and that's, to be honest, I don't have an opinion on that. On my personal opinion I think that's for each of us to sort out.

Tracy Miedema: And it is a fact that for every other food category the made with is inferior in terms of its percentage organic. But in the case of wine, um, it may not be an inferior percentage of organic content. It may 100 percent, if it's all in varietal. Or it may be 70 if there's more than one varietal. So I believe it would add another choice. I've grappled with this too. Um, because of this, uh, aspect of organic becoming synonymous with what's essentially an allergy free, an allergen claim. And, um, I think there's some very strong parallels between something like the gluten-free movement where there's a strong labeling regime that's emerging. And it's in even stronger labeling regime with no sulfites added, because it's regulated and no, no gluten is not regulated yet. Um, still there, uh, has grown up this notion that they are synonymous. So what we do when, um, organic isn't normally an allergen free zone.

But in the case of wine we started to make it -- we started to make it into one. I think organic should be, uh, about agriculture first and foremost, always first. And in the case of wine I don't see, um, I didn't hear nearly as much talk about the Tour of the Grapes. It was mentioned a couple of times, but again and again it was this marker that organic meant no sulfites. Uh, I wish that organic wine, what it was known for was it's amazing fruit. But that just, um, doesn't seem to be the case. Jennifer and then John.

Jennifer Taylor: Thank you. I actually did hear, uh, comments on the taste and the flavor of organic wines and their preference in that area. As well as I believe some of the concern also had to do with not the label and the allergens, that does take place, that's true. But the label and the additives. I think that's the concern.

Tracy Miedema: John Foster.

John Foster: Um, so I'm, I'm mindful of the other, some of the comments that we've talked about. But one that we didn't talk about so much but it kind of came back to me in the last couple days. Has been the, um, the, the competition with other eco-labels relative to organic. And I know it's not true in all parts of the country. But in the, in the Pacific Northwest and the outstanding Pinot Noir coming out of the Willamette Valley, um, there is a, there is a, a significant amount of, uh, other eco-labels that I think, um, got to be careful here. There are, they're great at what they do and they speak to very important priorities, but in my opinion they're not as good as organic. And in that region I see many other eco-labels coming in and I think that happens more in, in wine than it does in other sectors of the food industry.

And, um, I wanted to mention it because that was part of my, my thinking we didn't talk a lot about that. But I, I think organic is the eco-label out there. And, um, and I want to be mindful of, of maintaining its, its, its, um, its prominence in the larger marketplace.

Tracy Miedema: Any further discussion? Jay Feldman.

Jay Feldman: We also have to look at the essentiality. We heard a lot of testimony on that from those who produce wine that is certified organic. And you know, that, that is a key element, as you know, of the criteria that we're looking at. You know, I think the market has spoken on this. Whether you have a personal opinion or not based on your favorite wine and your tastes, the market has spoken. If you look at the overall increase in sales of wine, uh, 2010 to 2011 it's 8 percent. If you look at, uh, wine like Fry it's 39 percent. And if you look at other organic wines it beats the national average. Which means that the people have spoken. And we've heard from, um, sales folks that that people are drawn to this label. And they have an understanding of what it is.

And we have to protect that I think. There is no good essentiality reason to remove that benefit, that premium, uh, and take away that growth by undermining one of the basic principles of the organic standards.

Tracy Miedema: Any further discussion? Any conflict? Madame Secretary, who was is voting first?

Wendy Fulwider: Tina Ellor.

Tracy Miedema: Go ahead Tina.

Kristine Ellor: No.

Colehour Bondera: No.

Barry Flamm: No.

Jay Feldman: No.

Steve DeMuri: Yes.

C. Reuben Walker: No.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: No.

Robert Stone: No, ma'am.

Jennifer Taylor: No.

Tracy Miedema: No. That's 5 - Yes, 9 - No. Motion fails. That concludes the proceedings of the Handling Committee. I see, uh, a note coming in from the NOP. Lisa.

Lisa Ahramjian: We have had several requests, um, for us to post the Livestock Committee's recommendations that they voted on. So if you want to take out a pen and paper, um, their posted to regulations.gov now. So if you search for AMS-NOP-11-0081-1016. So I'll repeat that one more time AMS-NOP-11-0081-1016. Thanks.

Tracy Miedema: We also had a request for, um, what we normally do, take a board picture. But to do so during this break right behind the curtain here. So board members, um, any members of the program that want to participate to please take the first few minutes of our break to do so. Let's look at the time and decide when we're coming back. And also go over what we'll be doing for the rest of the afternoon. When we return from the break we'll go into the documents and voting for the Compliance, Accreditation and Certification Committee. And then go into Policy Development

Committee. We may not be taking, uh, that afternoon break. It's 2:30 right now. Let's, uh, be back at 2:50.

[BREAK]

Tracy Miedema: We are back in session. Our agenda says that we should be starting the CACC deliberation at 3:00 p.m. It's 3:05 so we're tracking our agenda pretty well. At this time I would like to ask CACC Chair Joe Dickson for a description of the first item that the board is considering.

Joseph Dickson: Thank you Tracy. The item the CACC is considering is the recommendation on the Evaluation of Materials Review Organizations. Lorraine, would you bring out the, um, version with modifications that the committee approved yesterday. It's on the little thumb drive. Lisa's white one. Thank you. Um, and if you'd just scroll down, um, to the first set of changes, which I think are in the text of the recommendation itself. Thank you.

So the changes that we made were pretty simple and straight forward. Um, based on public comment, some committee deliberation and just some clarifying and grammar correction type modifications that we made. Um, in the section on the Materials Review Organization Qualification we, um, accepted a few suggestions from commenters to clarify the intent there. Um, especially as far as how the, the recommendation would effect existing accredited certifying agents who perform materials review activities. Clarifying that it simply add the materials review scope to their existing accreditation and not have to apply for a new type of accreditation. Um, we also clarified in that section that while we acknowledge that this is, is a complicated long-term process, we do clearly ask the NOP to issue guidance immediately to give the Materials Review community a clear criteria on the specific protocols, procedures and criteria they should be using to review specific materials now.

Um, and to that end we are adding an additional recommendation regarding very specific material, review criteria and procedures that we will add to our work plan for the Spring 2012 meeting. Um, to develop those criteria we've already received a lot of feedback from materials review organizations and certifiers and we'll also work directly with those organizations to solicit more detailed feedback on that process. We inserted a definition of materials review organization that was suggested by two commenters. Um, which is just a, a good part of any recommendation to define what it's about. Um, to read that into the record

the definition of materials review organization is: any entity accredited or authorized by the secretary to review and approve materials as compliant with the National Organic Program for use in producing or handling certified organic products.

We added a section on, if you'll go down to the next page. We added a section on equivalency among accredited MRO's, which highlights and underscores the importance of sort of mutual respect between decisions made by materials review organizations. Um, and, and highlighting program's role in creating a system that would facilitate such an equivalency. Finally, that was it. Those were, that's, those were changes that we made to the recommendation. The committee discussed those last night. And voted, um, to accept those changes. The vote was 6 - Yes, and No - No.

Tracy Miedema: Is there a motion?

Joseph Dickson: I move to accept this recommendation as amended.

Tracy Miedema: Do I have a second?

Barry Flamm: Second.

Tracy Miedema: Discussion. John Foster.

John Foster: This is a question for kind of Mac and a certification perspective how, tell me how you're feeling about the whole thing. And how you see it working with respect to ACAs versus non-ACA, um, folks. Has there, how much discussion has gone around with, uh, ACA, the organization? Relative to relationships with non-ACAs who might be doing this work. So, certifiers and OMRI -- how is that relationship in the context of these, of this recommendation. Or, or has been discussion about that?

Robert Stone: Um, I'm sure been lots more than I've been involved in. But certifiers, there's a lot of frustration. There's a lot of list sharing. There's a lot of unknowns of a trusting but personally OMRI is, is the gold standard and certifiers don't have the time and resources that an OMRI does. But still the concern is for the small to allow products that can't afford or go through. The big scare to me is, is that we, we don't over regulate that limits the use of some good products. And how do we accomplish that is still, how do we review those? What are the criteria we review against it allows ACAs to do this. And it doesn't become just a large, only the large very capable organizations that can.

Tracy Miedema: Any other discussion? Seeing none, any conflict? Tina.

Kristine Ellor: I just have to disclose that I am on the OMRI board now. I don't think that's, I, I make no money from OMRI. But I am sitting on their board right now.

Tracy Miedema: Thanks for disclosing that. Any other conflict or disclosures? Alright. Then we will proceed to voting. Madame Secretary, a reminder on who votes first.

Wendy Fulwider: Colehour Bondera.

Tracy Miedema: That was Colehour. Please proceed.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Tracy Miedema: Yes. That's 14 - Yes, Zero - No. Motion carries. Chairman Joe Dickson, next item up for a vote.

Joseph Dickson: The next item up for a vote is the recommendation on Inspector Qualifications. Um, I will ask John Foster to just walk us through the minor update that was made to that recommendation.

John Foster: You bet. Um, uh, I think pretty relatively minor, uh, change here we made as a function of a, a fair number of comments to the, um, organic, initial organic inspector criteria. Baseline prerequisite knowledge and expertise for initial, uh, initial organic inspector status. The, a lot of folks had said, we had in there under, um, the first point, A. That a minimum of two years of combined work experience, education and training in organic production. Um, uh, applicable to the scope of inspections to be initially preformed and, and after, um, fair, you know, a short discussion it made sense to change that to not being so specific to organic production. Since the value of agricultural is, is pretty broad and sweeping. Um, to get folks in the door it made sense to, um, not specify that. So we changed it to, to the, uh, uh, A1A. to be a minimum two years of combined work experience, education and training in agricultural production.

Um, that was the only change that we, we ended up making. Um, we did in, uh, the next section B, continuing Organic Inspector criteria. We did discuss the, the opportunity to change under continuing education B. the minimum of 8 hours continuing education. Uh, we had some comment about changing that to 5 hours I think was the comment, um, it could be 3, it could be 3-ive. Um, somewhere in the middle there. Um, but we felt like we wanted to keep it at 8 hours. And if, uh, if this is going to be guidance so, um, there's a fair amount of flexibility there. I'm sure the program will weigh in on, on what they feel is appropriate, um, as they digest this recommendation. So we left it at 8 hours. That, that was only, that was only change. Um, and when we voted on this it was, uh, uh, unanimous 6 - Yes, and Zero - No. Or Zero, Abstain Zero, Recuse.

Tracy Miedema: Do I have a motion?

Joseph Dickson: I move to accept this document.

John Foster: I'll second.

Tracy Miedema: Discussion. Mac.

Robert Stone: I'll just comment. That in training some inspectors in Kentucky that were good agriculturists but didn't have the organic -- didn't come into it with an organic eye, they're some of most critical inspectors. Because they, they want to make sure there's a difference and make sure that the letter of the law is being followed, just because they didn't come in with wanting it to be organic. They wanted to make sure that it was organic.

Tracy Miedema: Any further discussion? Alright. Any conflicts? We're ready to vote. And we'll start with Barry.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Abstain.

Colehour Bondera: Yes.

Tracy Miedema: Yes. That's 13 - Yes, 1 - Abstention. Motion carries. Chairman Joe Dickson, the next item up for voting.

Joseph Dickson: The next item up for voting is the recommendation on Unannounced Inspections. Um, we have not made any changes to this recommendation since it was presented on Wednesday. John, do you have anything to add to that? Alright, I would move that we accept the recommendation on Unannounced Inspections.

John Foster: I'll second.

Tracy Miedema: Discussion. Katrina.

Katrina Heinze: I want to thank the CACC for, um, working on this document. I was very heartened by the public comment, um, that we received at this meeting the first time we talked about it. We heard a lot of public comment from certifiers that they were really nervous about doing it. And this time when we heard public comment we had great examples of how

they are doing it. So I think just having the topic on your work plan has moved the dial. I'm very excited about this. I think this is a good move towards even more integrity. So thank you.

Tracy Miedema: Further discussion? John.

John Foster: This, um, this was one where I, I feel really good about the process. And was very appreciative of the program, like getting, getting us engaged on a topic that's far enough ahead of the, of where they're wanting to be headed. So that we could, we could start engaging in the topic and, and contribute to the, to the work flow. In a, I think a really productive way. And this is true for the, the previous one also. But, um, it's a real model in my opinion for that kind of collaboration. So, it's, I think it's, it's a good model, produced a good product. It was a good process and I, I'm just really happy about it. So I hope we can move along on that kind of, on that kind of model in the future more. That was really good. A great experience.

Tracy Miedema: Any further discussion? Any conflicts? Then we'll begin voting with Jay Feldman.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Tracy Miedema: Yes. That's 14 - Yes, Zero - No. Motion carries. That concludes the business of the CACC. And we will move along now to the Policy Development Committee Chairman Barry Flamm. Chairman Barry, please present the first item for voting.

Barry Flamm: The first item for voting is, um, a proposal on the Administrative Team. If, uh, Joe if you'd present that please quickly.

Joseph Dickson: Sure. Um, that was the very straight forward recommendation that just defines the term Administrative Team. Um, we, it remains as it was when we presented it on Wednesday. Um, we've made no changes.

Tracy Miedema: Do I have a motion?

Barry Flamm: I move that we accept this addition to the Policy and Procedure Manual.

Joseph Dickson: I second that.

Tracy Miedema: Discussion? Alright. And I'm not going to call for conflict on any of the Policy and Procedure Manual changes or Policy Development Committee items. And we will proceed with voting. Starting with Steve.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Tracy Miedema: Yes. That's 14 - Yes, Zero - No. Motion carries. The next item up for voting Chairman Barry Flamm.

Barry Flamm: The committee met last night to discuss these recommendations. And the, uh, the, um, proposal on, on Committee Transparency, uh, we made some changes based on comments from the board. And, and comments we heard here. And Jennifer, if you would please explain those, uh, changes that we made.

Jennifer Taylor: Thank you. Um, Lorraine. Okay, thank you so much. I appreciate all of the comments that came in from the board as well as from our, um, public. Written comments and, uh, comments that we heard here, uh, on the floor as well. Um, we submitted two, uh, recommendations before our committee. Um, and, uh, after hearing the comments that were presented, we made changes in the first recommendation.

Tracy Miedema: May I have a motion? Sorry about that Jennifer, please proceed with presenting the edits.

Jennifer Taylor: And the, the change is that, um, the recommendation would read. Uh, Section 3, Page 12, Roll of the Executive Director is amended to include the following language. A range facilitate and record the NOSB committee conference calls necessary to achieve the most efficient workings of the board. Minutes are distributed to committees for confirmation of accuracy and approval. Committee minutes must fully capture the discussion and reflect the diversity of opinions expressed during meetings. Uh, oh I'm sorry, during meetings in order that transparency exists and content remain useful for committee members, board members, and our stakeholder public. Um, we in essence removed, um, the recognition of the role, um, within, uh, NOSB or using our name. Uh, the second recommendation is, it remained the same. So we have two recommendations before the board.

Tracy Miedema: Is that the totality of the changes? Do I have a motion?

Barry Flamm: I move that we, uh, adopt the, these changes and, um, to be incorporated in the Policy and Procedure Manual.

Tracy Miedema: Do I hear a second?

Jay Feldman: I second.

Tracy Miedema: Any discussion? Tina.

Kristine Ellor: Would you mind scrolling back to the first changes. Uh, thank you. Um, I'm assuming that when you say range facilitate and record. I'm thinking that means keep minutes, right. Not make an actual audit, or not make an actual recording of the minutes, or of the meeting, correct.

Barry Flamm: Uh, yes, just the writing down, as we do now or...

Tracy Miedema: Does that answer your questions? Katrina.

Katrina Heinze: Could you scroll to the second recommendation. And I apologize I didn't catch this when you guys reviewed it the first time, or when I read it. These, um, when you talk about maintaining, um, these records. I need some help understanding kind of the totality of this. Working papers, drafts and other documents. Are you really envisioning that every version of every document, that feels a little bit unwieldy I'm not sure how the program feels about that. Just given the -- I mean you guys know, sometimes right we have 20 different documents going. I was just wondering if you guys could talk a little bit more about what you're really envisioning here. I think that the concept is good. I just want to make sure we're coming up with something practical.

Tracy Miedema: Jay Feldman.

Jay Feldman: I, I didn't make to take this away from Jennifer. If you want to talk about it. No, the point is to accompany the minutes. So if we're at a stage in our discussion and, and we have a draft we're working on, that would be available, uh, you know, at that time. So you're not waiting 'till the end of the process to disclose what we're working, you know, working on. So that's a draft. Draft, document that would accompany the minutes essentially.

Tracy Miedema: Jennifer, did you want to add anything to that?

Jennifer Taylor: Um, my understanding is that these already, um, uh, documents that can be requested. And so what we're doing is adding this information updating the policy to where, um, to the state of the condition of where this kind of information can already be shared and made public.

Tracy Miedema: Any other discussion? Oh, from Deputy Administrator Miles McEvoy.

Miles McEvoy: Yeah, we're already responsible for maintaining this under the FACA rules of maintaining as, as per in the, uh, this, uh, recommendation. It specifies that, uh, FACA, um, require that the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda and other documents, um, are made available and so we're already responsible for doing that. And they are, uh, foible, uh, documents. And so we are, you know, it takes us a lot of time and, uh, resources to maintain those. Um, and to, uh, but I guess the, the main thing that we'd be doing is changing that from maintaining those just internally to maintaining them and making them more publically available. So there's going to be some additional work for us to do that. But it just, instead of just keeping it within the committee and between committee members it then gets posted for, um, the public to see.

Miles McEvoy: That's my understanding of what you're recommending here.

Tracy Miedema: I have a suggestion for potential future work for the Policy Development Committee. If in fact we're going to have drafts, um, posted online and it sounds like the program is already having to save them. That we have some document control protocols and the way we tie it all and date documents, um, since they can kind of take a life of their own, take on a life of their own. If a document says Recommendation up at the top, and is publically available and starts to, um, go viral, it should probably say draft and be dated. So it's very clear what it is. Joe.

Joseph Dickson: Yeah, I thought something that I hadn't thought of to this point. But I think it's a potentially really good idea. And also potentially including some sort of boiler plate language explaining that it is a working document and not final would good for the committee to consider for future deliberation.

Tracy Miedema: John Foster.

John Foster: Sometimes that the program said a second ago just made me realize that, um, maybe document is a more accurate word than record. And I'm wondering if you thought about that and rejected it for a reason. Or if just didn't come up.

Jennifer Taylor: Are you talking about within the first recommendation? The first recommendation. I'm sorry.

Tracy Miedema: Does someone on the Policy Development Committee, um, have a response to why the word record was used? I think that was the initial

confusion here that there was a recording device as opposed to, um, a document which implies that it's written word.

Barry Flamm: I don't think we spent any real time, uh, you know, discussing which was a, I guess there was an assumption that or record was clear. That it's, you know, you record minutes. You, you know, write minutes. I don't know, I don't think we really, um, belabored. So if there's a better, better word, I think we'd, uh, certainly would, uh, entertain that.

Tracy Miedema: I would, uh, recognize Joe Dickson.

Joseph Dickson: I just, for the record do want to clarify that yeah, it was never my understanding as a member of that committee that we were advocating for there being a recording device involved in the process. Um, I wonder, I'd like to ask the, the maker of the motion if you would entertain an amendment to change the word record to document?

Jennifer Taylor: Do we need to vote on that? Or how does that work? Is it a committee meeting?

Kristine Ellor: No.

Jennifer Taylor: No.

Tracy Miedema: I clarify that. On a friendly amendment, uh, if you, um, as the maker of the motion and the second agree and there are no objections then we can proceed with the friendly amendment without a vote. Jay Feldman.

Jay Feldman: Would it help to say document in the form of minutes, so it's clear what we're talking about? I don't know.

Tracy Miedema: You wish to, um, would you like to withdraw your friendly amendment and word it differently?

Joseph Dickson: Yes I would. I would like to withdraw my friendly amendment and propose that we change the word record to the phrase document in the form of written minutes.

Jennifer Taylor: Okay. Um, I think that does add some clarity other than it does says, in the most efficient means to do, to do the work. But to say document, um, would be fine. Okay.

Tracy Miedema: I, I believe, um, so you're accepting document in the form of committee minutes? Alright, Lorraine, would you mind, um, making that change. Okay. We have an amended motion and is there any further discussion? Then we will proceed with the voting and I believe we start with Calvin.

C. Reuben Walker: Yes.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

Tracy Miedema: Yes. That's 14 - Yes. Zero - No. Motion carries. Chairman Barry Flamm, the final item for voting.

Barry Flamm: The next item on the agenda is Conflict Of Interest, a proposal. Uh, during our meeting last night we, um, uh, discussed, uh, the comments we'd received, uh, from the board and from the public. And decided that we probably shouldn't rush, uh, making changes in a document which we had decided was necessary. So we proposed pulling this from the agenda and, and put it in, um, revise it and put on the Spring agenda. Therefore, the, um, the next proposal, um, for voting is the, um, NOSB Member and Leadership Transition Document. Uh, what, what's been posted is a, is, and what you've seen is, um, is still the same. No changes, um. I'll let Jay just, uh, quickly, briefly summarize that.

Jay Feldman: Thank you. We are suggesting, um, a couple of amendments. I, I would be happy to read them all. But they're found on Page, on the start of the bottom of Page 3 of the document. Uh, and this amends the policy, uh, Program Policy Manual. We're proposing to amend Section 5 with a series of changes that establish a protocol for transitional periods as I described yesterday. Would you like me to read all of this or how would you like me to proceed? No, there are no changes made to the document from yesterday. The other amendment amends Section 2, Election Of Officers On Nomination Process. So thanks for that question Katrina. There are no changes from the proposal as presented yesterday. Thank you.

Tracy Miedema: Do I have a motion?

Barry Flamm: I move that we adopt these, uh, proposed changes on Transition In the Policy And Procedure Manual.

Tracy Miedema: Do I hear a second?

Colehour Bondera: I second that.

Tracy Miedema: Any discussion? I believe if this passes you are stuck with me as Chair until January 24th. That's just a warning. Nick.

Nick Maravell: Uh, should you provide any conflict of interest statement on that?

Tracy Miedema: Katrina.

Katrina Heinze: Okay. So that's useful, 'cause I think I had absorbed that, but they may not. Does that mean I'm also Chair of the Materials Committee 'till January 23rd?

Tracy Miedema: It surely does. Any discussion? Okay. We'll start the voting with Katrina.

Katrina Heinze: Yes.

Wendy Fulwider: Yes.

Joseph Dickson: Yes.

John Foster: Yes.

Nick Maravell: Yes.

Robert Stone: Yes ma'am.

Jennifer Taylor: Yes.

Kristine Ellor: Yes.

Colehour Bondera: Yes.

Barry Flamm: Yes.

Jay Feldman: Yes.

Steve DeMuri: Yes.

C. Reuben Walker: Yes.

Tracy Miedema: And I vote Yes. That's 14 - Yes, Zero - No. Motion carries. That concludes the voting of the National Organic Standards Board for Fall 2011. Next up on our agenda is the NOSB Officer Elections. NOSB Officer Elections take place one time per year. And I will read some information from our Policy and Procedures Manual about the process for electing new officers. All interested NOSB members are eligible for consideration for any office or position. The three officers are Chair, Vice Chair and Secretary. Candidates may be self nominated or nominated by another member of the board. Should the Vice Chair or Secretary resign or fail to serve the full term the Executive Committee shall appoint an interim officer. The interim officer shall in the capacity until next regularly scheduled meeting of the board during which an Election will be held to fill the remainder of the term. Members interested in serving more than one consecutive term in an officer position can if the board is in favor.

However, it is recommended that an officer not serve for more than two consecutive terms. This is just straight out of the Policy and Procedures Manual. Okay. In terms of eligibility we're all here. Um, only those of us present are eligible to vote. So Jay, wherever you went, don't go too far. You'll lose your eligibility to vote. Board members shall be entitled to cast one vote per nomination. Okay. And then let's get into the counting. We'll get some help here with that part. Voting will be by ballot immediately following nominations for each office. Ballots for officers will be cast in the following order. So let's start with Chair. And then Vice Chair and then Secretary. The ballots will be counted for one office and the Acting Chair will announce the tally before the next office is opened for nominations.

The Acting Secretary will prepare and distribute the ballots and will gather votes by secret ballot. The Acting Chair and that's going to be me will tally the votes after each officer nomination and the Acting Secretary will verify the vote results. The candidate receiving the largest number of votes will be elected. In other words, it's a simple majority as opposed to the decisive two-thirds majority that was needed all along through proceedings so far. There are 14 of us here. So that means a simple majority would be 8. In the event of a tie, there will be a revote until a nominee obtains majority. All nominees will be included in the revote or may be given the opportunity to withdraw all their discretion, withdraw at their discretion.

Member votes will remain confidential. So no, uh, rifling through the wastebasket looking at little scraps of paper. Other NOSB members will not be allowed to determine how the members voted. Votes will be disposed of by the Chair or Secretary and the Acting Secretary will record newly elected officers into the NOSB Meeting Summary of Minutes. Alright. So at this point I would like to call for nominations for the position of Chair. Tina.

Kristine Ellor: I nominate Barry Flamm.

Tracy Miedema: Joe Dickson.

Joseph Dickson: I nominate John Foster.

Tracy Miedema: Any other nominations for Chair? Okay. Seeing none, um, we need to prepare the ballot. Wendy, that...

Okay. So, what you have in front of you is all three of your ballots. So please tear into thirds. And the, um, process here is simply to write the name of the person that you wish to vote for, for Chair on one-third of the piece of paper and fold it in half. So the two nominees for Chair are Barry and John. So do, go ahead and vote. And Wendy and I will come around and collect your items. Does anybody have a hat? We'll, find, of there we go. Wow.

The next Chair of the National Organic Standards Board is Barry Flamm. The next office that is being nominated for is Vice Chair. Nominations. Wendy.

Wendy Fulwider: I would like to nominate Joe Dickson.

Tracy Miedema: Any other nominations? Colehour. Mac, okay, so far we have Joe Dickson and Mac Stone. Any other nominations for Vice Chair? And I guess I should rest this on the Chair. Do you both of you accept the nominations? I didn't ask Barry. We good over there? Okay. So, the nominations are closed now. Mac and Joe are the two candidates so take another third of piece of paper.

The next Vice Chair of the National Organic Standards Board is Mac Stone. (applause) The next office opened for nominations is Secretary. Nominations please. Tina.

Kristine Ellor: I wondered if Wendy would be willing to do it again?

Wendy Fulwider: Yes, thank you.

Tracy Miedema: Other nominations? Jennifer.

Jennifer Taylor: Thank you. I'd like to nominate, uh, Calvin.

Tracy Miedema: Other nominations?

C. Reuben Walker: I would, uh, respectfully, uh, decline.

Tracy Miedema: Okay. So far we have candidate for the position of Secretary and that's Wendy. Any other nominations? In the event that we only have one candidate do we vote? What is our Policy and Procedures Manual say? Do we...

Joseph Dickson: It doesn't specifically address that. I think you should...

Tracy Miedema: It doesn't say we don't. Okay. And Joe saying that precedent is he was the only candidate and we cast votes. So we will carry on as we in the past. Tina.

Kristine Ellor: I'd like to do some campaigning here and suggest that everybody write in Wendy as Secretary.

Tracy Miedema: It will be close shave. Please go ahead and cast your vote for Secretary.

Tracy Miedema: Wendy Fulwider will continue as next Secretary of the NOSB. (applause)

Tracy Miedema: Alright. At this point in the meeting we have scheduled for Committee Work Plans. And it looks Mile McEvoy has something he wants to say.

Miles McEvoy: Uh, we do have the business of, um, the plaques and the fare well to the, um, the retiring members. So we need to fit that into the agenda at some point. So at your pleasure I'd like to present, uh, uh, plaques and letters from the Secretary to, uh, outgoing members.

Tracy Miedema: Thank you. Let's, um, let's do that, uh, right now.

Miles McEvoy: I'm sorry but it's been a long few days. Long, many years. I've been doing this for a couple of years now. But, uh, the, the retiring four members have been doing this for five years. And, uh, it's an amazing public service that they have done, uh, Tracy, Tina, Katrina and Steve. Uh, the countless hours that you have contributed to the furthering of the Organic community, um, it just, uh, so much respect and gratitude that, um, the whole community feels for the work that you've done. It's really hard work to be sitting up here listening to all that public comment. Uh, listening and really considering all that public comment. It's really a very, very important process. And, uh, I'm honored to have known you in this, in this role and, and look forward to working with you all in the future.

So for Steve DeMuri, thank you so much for your five years of service. (applause) Katrina. (applause) And Tracy, Chairman. (applause)

Tracy Miedema: Thank you very much, Miles. Next up on our agenda is Committee Work Plans. And a reminder to both the board and to attendees these are not, um, hard and fast agenda items that become our Work Plan for our next meeting. It's a way to round up what we, um, are cogitating on today. Um, it very much can and most likely will change as the committee sets priorities, uh, with the leadership of the Committee Chair. So, uh, we typically go around and our Executive Director or Acting Director will note the items that each of the Committee Chair lists that are still, um, that are pending topics. A lot of times, you know, the, the basis for the list becomes items that we have deferred or are still working on. Those are kind of gimmies on the list. And often times items will emerge during the meeting that were brought as potential work items.

And then further -- the committees sometimes have backburner items that they've been working on that aren't ready to have brought to the meeting that they go ahead and let the public know are in progress. We'll take, uh,

this list in the same order as our agenda spells out. And start with John Foster.

John Foster: Thanks. And, uh, Barry mental note, Crops doesn't always have to be first. Nothing in the, in the manual about that. So. Um, are we waiting to get it up there, right. Oh, okay. You're waiting to write it up there. Sorry.

Tracy Miedema: We have a round-up of all of the materials that are either in petition, uh, or our sun setting and we can, you know, definitely draw from that list. Do you have that handy?

John Foster: Alright. I've got, um, we have, uh, we'll, uh, be considering Oxidized Lignite. Uh, there's a few, um, inert materials that we've decided to kind of hold firm on until we get, uh, clarity on some Inert's policies. So those are going to stay in a holding pattern. We have, oh sorry. We've got, uh, Manganese Sulfate, Monohydrate. Uh, we've got Propylene Glycol Monolaurate. We have, oh shoot I'm sorry. I think actually that, is that Lisa, correct me if I'm wrong. That's the only list I've got from, uh, November of...

Lisa Ahramjian: Uh, in addition the petition to remove Ferric Phosphate from the list. I don't know if you mentioned that.

John Foster: Up, up the petition to remove Ferric Phosphate in the Spring. Lisa, is there anything on the last, I'm pulling from the November minutes, uh, for the Materials Committee. Is there anything I omitted?

Lisa Ahramjian: Uh, no, I believe that's, uh, all. The Manganese Sulfate Monohydrate petition is for an inert ingredient. So I don't know if that will be on the Spring agenda. The Sunset recommendation for, uh, 2013, the EPA lists three Inert's listing. Um, needs to be voted on the Spring as well.

Kristine Ellor: We probably want to keep, uh, relook at the Peracetic Acid also. We have some new information from the EPA on that.

John Foster: And we'll add Peracetic Acid. Ask and ye shall receive.

Tracy Miedema: Any other current, um, known items for Crops Committee that we can put down as a potential Work Plan? Anything else to add John?

John Foster: We had discussed, um, off and on revisiting commercial availability clauses. That's kind of floating around. We know the program is working

on past recommendations. So I just want to keep that, that topic alive. Uh, I know organic seed is a matter, you know, kind of rising interest in the community. And, um, just want to maintain communication with the program about where that's going. So that's nothing official on that. But it, it has not fallen from our radar.

Tracy Miedema: Alright. Then we'll move on. Oh, Miles.

Miles McEvoy: Yeah, the other thing that potentially consider is that, uh, we're working on draft guidance for post-harvest, um, post-harvest handling. And yeah, there's post-harvest materials that are both under 601 and 605. So there might be some, uh, some input that the program might ask the board concerning that.

John Foster: Lorraine, if you add that just so it stays visible for us, that would be great. Thank you.

Tracy Miedema: Okay. Next up is Livestock.

Wendy Fulwider: Thank you. Uh, we have, uh, a very long Work Plan again. Um, we'll be working on the outcome score documents for all the species, as well as species specific guidance for each of the species. And I know many of the public comments were, uh, that they would like more time to, um, look those over. And so we would certainly appreciate working with anyone of the stakeholders that would like to, to, um, assist us with that. We'll doing guidance for the Animal Welfare document and the Animal Handling, uh, And Transport To Slaughter document. Uh, we will also have the Methionine petition to address at the Spring meeting. And we have talked about having a discussion document to go along with that. So, uh, we will be busy again this semester.

Tracy Miedema: Thank you Wendy. Next up is Handling Committee Steve DeMuri.

Steve DeMuri: Okay. Well, the hits just keep coming from the Handling Committee. So we have, uh, fourteen 605 petition items we'll be looking at. And I'll send this Lorraine later, but, um, sodium gluconate gibberellic acid, sulfuric acid. We have two petitions for taurine, different uses. Uh, one for pet food. dextran. Two petitions for choline. Uh, beta-carotene synthetic and inositol. ascorbyl palmitate, lycopene, nucleotides, and a handling, um, um, application for methionine. Those are the 605 items. Um, we have 206.606 items. caramunch malt, barley beta fiber, sugar beet fiber, Bergamo bitter orange powder, kaffir lime leaves and fruit, and curry leaf. And then we have, uh, some 2013 Sunset items. There's, uh,

five of those. There all 605 items: agar-agar, calcium sulfate, carrageenan and glucono delta-lactone. Those all, uh, 605 (a) items. And then one for 605 (b) that's cellulose.

Steve DeMuri: And then we have a couple of, uh, other recommendations we'll be working on. Probably, uh, uh, top of the priority would be a policy recommendation for additives and ingredients and listed materials per the, per the program's request. And then we'll continue our involvement with the Industry Flavor Task Force. Um, they're in the process of trying to develop a recommendation at some point in time. So, uh, we'll continue, uh, to, uh, sit in on those committee meetings as well.

Tracy Miedema: Thanks Steve. Miles.

Miles McEvoy: Uh, yeah, in terms of the Livestock Committee. Um, there's also the vaccines from GMOs that you did not mention. Uh, you do have the technical report on that at this point. So I don't know if you want to put on your Work Plan or not. That's still an unresolved issue. And then, um, Crops you probably have a Tetracycline Report an update on that I would imagine from the Fire Blight, um, Committee.

Tracy Miedema: Good adds. Okay. So the next committee then Mac, you have a question.

Robert Stone: I just have a comment. Remembering some of the, the farmers that were here the other day commenting yesterday afternoon. One, the lady right before Marty and then the lady that had some auto immune disorders that took time to present to us. I think they could vote on this list pretty quick. They don't look very organic to those people.

Tracy Miedema: Alright, that comment is recorded. So we're onto the Materials Committee. And, uh, Katrina.

Katrina Heinze: Thank you. Um, we have a couple items on the Work Plan. And a couple items that are our wish we had time to work on the list. So we will, uh, continue, um, work on the research framework with the goal of having a first list at the Spring meeting. Uh, we will continue our march on Aquaculture materials. Uh, first working with, uh, providing feeding to the Aquaculture Working Group so that we can enable getting some petitions, uh, that we deem sufficient. So that's for the two trial balloons. Um, and then next we would move onto the TR part of that process. Um, we are ready in the wings to assist the program with your guidance document on Classification. Um, should you need us. Um, and then our final Work

Plan item which we did spend some time working on since the Spring meeting. We had wanted to, um, take a look at what we could do with the, uh, Evaluation Criteria Checklist to make that, um, easier for board members to use.

And had quite a bit of round and round on it. And two calls ago had a major breakthrough that seemed like the simplest solution to the hardest problem. Which was that maybe we need a spot on the checklist for a narrative so that the committees could better articulate all the great discussion that we have in committee and maybe that help a ton. Um, so we'll take that back to committee, discuss whether that really simple solution is as great an idea as it seemed on the committee call, um, and then we would work the Policy Committee to do that. Um, and then the items that we have wanted to work on, but haven't had capacity. As you'll remember about a year ago we started work on how we could, um, improve the, um, Material Review process. Um, we had a lot of talk about whether we could, um, put together a more robust and formal request for TRs.

Um, put together a better definition of what a good TR looks like. Um, some hallway chatter with one of the new board members who has a particular passion for Materials. I think she had some passion for that topic. So I hope that the Material Committee will take that up. Um, and then we have, and I bring these up every meeting just so folks know we haven't forgotten them, 'cause they were forgotten when I started. Um, we have a take from the table petition, um, from with a whole bunch of materials from 2008. And they're, um, CCOF has provided public comment at a number of meetings that there's some materials, um, that have been presented to the board way back lost in history that never got put on the table. And so we just at some point, uh, need to figure out how to clean those up. But it's never been a priority. And it's for Materials.

Tracy Miedema: Thank you Katrina. Next up is CACC. Joe.

Joseph Dickson: Thank you. Um, on the CACC Work Plan for the Springtime. Um, the first item is processing aids in 100 percent organic products. That's an oldie, but unresolved-ie that, um, has been on the table a couple of times, but we do need to bring it back and figure it out. Um, calculating percentage organic, um, this is another one that dates back to a few Chairs of the CACC ago and it's still on the Work Plan. And we've never made a final recommendation on that one. And, and would like to continue to plug away at that and possibly bring it forward. Monitoring

Practices and Procedure for 205.201 (a). That's the part of the regulation that covers the construction and composition of the organic system plan. And then finally the one that was born at this meeting, um, Review Criteria and Procedures for Material Review Organizations. That's the companion recommendation to the one that we voted today. And that is the Work Plan for the CACC.

Tracy Miedema: Super. Last Work Plan. Barry Flamm.

Barry Flamm: The Policy Committee, uh, will have to complete the, um, Conflict Of Interest, um, recommendation that, that was reviewed here. And that, that should be finalized. And then the, um, Public, um, Comment Procedures that you all saw that was a discussion document. That should be finalized. Um, during the, um, discussion it came up that there was a need for document controls for committee draft documents. And we'll, uh, we should add that to the Work Plan. And, um, in a, in addition during the, um, the Ethics Training, um, the program had, um, raised some, um, questions, uh, that we need to discuss with them. Whether or not our, whether the, some ethic issues should be looked at including the Policy Development Manual. So, um, we'll, the committee will follow-up on that. Um, another area of that needs some attention we think is the, um, sort of direction on, uh, contacts from the public to the, uh, board members in between meetings.

And, um, 'cause there's been some direction that's come out that, uh, that maybe, uh, has confused some members. So we, we wanted to look at that. And then I think there's some material things that we had some discussion on, but not very, very far along. And we would work with the Materials Committee, of course on that. So those are the things that are kind on the burner. The only two items that are pretty certain are the, uh, are the two that are, that we need to finish up from this meeting.

Tracy Miedema: Thank you Barry. Alright. Back to our agenda. Last item is Other Business and Closing Remarks. Any other business? Colehour.

Colehour Bondera: Yeah, I would, would like to address the topic of, um, genetically engineered, GMOs.

Tracy Miedema: Pretty tall order. Um, do you have something prepared? Or are you opening up the topic of GMOs, uh, broadly and generally?

Colehour Bondera: Yes, so specifically, uh, I would, uh, you know, want to say it's fine like to discuss the sense of the board's statement to the Secretary Of Agriculture on Genetically Engineered Crops.

Tracy Miedema: I believe Colehour is referring a document that was circulated to NOSB members only, um, at some point in the last 24 hours. Please proceed.

Colehour Bondera: Very good. Um, I have, uh, in my possession and I will start, I will pass it around. Uh, a copy of the document which actually has been, uh, reviewed by all members of the board and received. Um, in the past we actually discussed the document, uh, that we received. And, and talked briefly about the document in, uh, at the meeting in Seattle. Um, however, it is very slightly altered and I will spend the time it will take to read it, because it's a third of a page. Um, so as you're receiving it I'll read it. The significant number of unsolicited public comments at the April 2011 NOSB meeting have illustrated the extreme concern that the impact that continued approvals by USDA of new genetically engineered crops has had on our community of organic farmers, consumers and handlers.

Joseph Dickson: The NOSB speaking for the organic community believe that the USDA's actions on genetically engineered crops have been insufficient to protect the organic industry. Organic agriculture continues to be at risk of contamination by genetically engineered crops. This threat is a critical issue for organic agriculture, producers and consumers of their products. We urge the Secretary Of Agriculture to take immediate and aggressive action to prevent GE contamination of organics. Uh, that statement, uh, has been, uh, received by and, uh, honestly since I am not on the CACC, uh, nor the Executive Committee I can't say, I can't quote from the Minutes. I apologize, all the extent of discussion and review, but it has been looked at, at both of those of levels I aware.

And, uh, in addition it's actually, uh, Jennifer who has taken the lead on this. And she has at the request of the people involved, uh, subsequently, um, added some other level of detail to a document which she did send around to NOSB members, which I now have in printed form as well. Um, which, which is exactly that text that I just read with several additional paragraphs of, uh, more detail. And I would like to request that the, that we take a, uh, poll of the board members or a, uh, a vote of the board members on sending this to the Secretary Of Agriculture at this point in time. And I'm happy to entertain questions or if Jennifer would like to do so as well, I'm happy with that.

Tracy Miedema: Miles McEvoy.

Miles McEvoy: Uh, yeah it appears that this would be out of order. It's not on the agenda as an agenda item. It hasn't been available to the public, uh, for review and comment. And it would appear that it would violate your procedures by moving this forward without making it available to the public for review and comment.

Tracy Miedema: Thank you Miles. Uh, Jennifer was alerted to the fact that, um, of bringing a letter to this meeting that wasn't on the agenda would be out of order and would not be able to be voted on. Um, I think it's, uh, it's swell and fine that it's here. And also to update everyone that, uh, this item was taken right to CACC, even though it was introduced in a very unconventional way, sort of, with a dramatic flourish at the end of the Seattle meeting. It was taken up by the CACC and as Colehour noted has been progressing very nicely. There's been, um, some tonal changes, some data brought to it. Um, and a very, a measured approach on the topic that's, that's big and important. And so we did, we did have a status update. And Joe if you want elaborate any further beyond that, it's one of those items that if we didn't, did we just now note it that it was continuing on in the CACC Work Plan?

Joseph Dickson: Um, it is not now on the CACC. This is not currently on the CACC Work Plan. And it was briefly considered by the CACC and we, basically decided to return it to the Executive Committee for further and deeper consideration by the overall leadership of the board, because it's not an issue that has a very clear pigeonhole within in a given committee. Um, and so that's, that's where we ended up with it. I do want to clarify that this document on the table is not the work of the CACC.

Tracy Miedema: Okay. Thank you. So the work that was completed happened in CACC. We have had one discussion at the Executive Committee level. We have five meetings that happen in between, uh, meetings. So one of those five, uh, the topic was raised on the Executive, uh, Committee call. Anything else related to this, uh, sense of the board document? Jay Feldman.

Jay Feldman: Thank you. Since we're all stakeholders here I, I just wanted to say to my stakeholders that Jennifer and Colehour and others have tried, um, to the best of their ability to move what they heard at the Seattle board member, uh, meeting with a lot of passion and concern about the state of protection that organic may or may not enjoy as a result of the expanded,

expanding, quickly expanding use of genetically engineered organisms. And, um, to the Chair I would, I would say and to my stakeholders. Um, I think there's been a deficient process here on the board to address, uh, Jennifer brought this to the CACC as requested. It, the CACC, uh, you'll find in the Minutes voted to move this on and brought it to the Executive Committee. The Executive Committee if you review the Minutes, um, did not even vote on whether to put this on the agenda.

So the process that, um, Miles you've spoken of was thwarted. Uh, and Jennifer to the best of her ability tried to use that process to move this to the agenda of this meeting. Um, this was not a last minute effort on her part. Um, all I can say to the people who we hear from during these meetings and who I hear from on a daily basis for this board not make a statement on, on a matter of this important, importance. And this is not a very strong statement, it's just a statement of concern that we thought the Secretary should be aware of on behalf of the people that we are here to help voice. Um, it has been a real, there's been real serious roadblocks Miles to using the process. Now that's not your problem, that's ours.

But nevertheless, I just want the folks out there to know that we tried the best of our ability and we will try with the new Chair and the new leadership that presumably will be seated, um, to move this along and I believe we will bring to the next meeting a statement that, that will be presented to the public, maybe even stronger than this statement. Uh, that there is a serious concern that we want to work together with all effected parties to try to solve on behalf of organic, uh, and the people that are trying to protect their health and the environment. Thank you.

Tracy Miedema: Thank you Jay. One last comment and then we'll move onto any other, other business. Nick.

Nick Maravell: With all due respect to the Deputy Administrator, I'd like to go on record as saying, I do not feel this is out of order. I'd like to read from the statute on the, uh, the function and purpose of the, uh, National Organic Standards Board. Uh, the Secretary shall establish National Organic Standards Board. Then I'll get to the relevant section. Uh, to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of this title. This sense of the board letter does not carry the full force and authority of law or regulation and I do not believe it needs to go through, um, extensive procedures in order to have, uh, the board consider this

matter. Uh, if this continues to be an issue, then perhaps we should seek the advice of counsel.

Tracy Miedema: Thank you. Any other, other business before Closing Remarks?
Alright. Hearing none. Katrina.

Katrina Heinze: Is Closing Remarks when we get to say how much we've enjoyed being on the board or is that now?

Tracy Miedema: Now is fine. Go ahead.

Katrina Heinze: I do have something to say. You know, you only get the, this is the last time on the microphone so you do have something to say. Um, when I came on the board I had, I knew no one in this room. And was welcomed with open arms, despite some perhaps initial trepidation about me. Um, and I want to say what, it has just been an amazing experience. So I tried to encapsulate that. The biggest thrills for me have been at meeting the farmers who actually grow the food that I buy for my family. So I don't mean in concept, I mean there's probably 10 different farmers I've met in this experience who have come up to the podium to talk to me, to us, who actually grew the food that I bought at the grocery store the week before and that is thrilling. And it's cool to go home and tell your family that.

Um, as I said, it has been an honor to be welcomed, especially by those who didn't agree with me. Um, and folks have been welcoming and have helped me get educated it's, it's been really nice. Most importantly, I would say this has been the best intellectual stretch that I have had. When I think of the breadth of topics that I've learned about in 15 years. We all, each of us on the board have the unique privilege of, and luxury of getting Ph.D. education in organic agriculture. It's breadth and spread, um, and not everyone has that, but we do. I can say as someone who came to this because I had a passion as an organic consumer and had been for a long time, that I am even more committed to organic and the integrity that this board protects. Um, and remember that, despite all of the debates we have these tough topics, this process and you know, and it's a little bit ugly and our consumers, there's probably a lot of things that consumers don't know about.

But this board protects that and you guys do a good job. Um, so my parting thoughts for you guys as you go on. Um, get to know each other really well. Um, have dinners, call each other, don't just work on your

committees. When you're working on something that you know other board members might have concerns about, reach out across your committee. Model respect and I have actually in my reading of old board minutes, in 1995. So one of the first boards, uh, Bob Anderson spoke. And I'm going to read, 'cause it just tickled my fancy. He was referring to a railroad analogy. With the need for the crew to work together and act responsibly in consideration of its many passengers. He identified the responsibilities that each of us have. And acting together as conductors of the train. And hope that differences will be put aside as we work side by side to deliver our payload.

Courtesy, honesty and fresh starts are the concepts to keep in mind as we continue down the track. Uh, it is, um, very nice to see that early boards struggled with this, just like we do. Um, we had an incident earlier this week where we kind of bumped off the track a little bit and there was a little bit of angst. And I'm very pleased to have seen the fresh start that this board pulled together on that. The last two days has been very nice. Um, and keep doing that. Um, finally, as Materials Chair I would be remiss if I didn't remind you, that Materials require an incredibly deep technical dive. Um, so please do that. I will be here to be remind to do so. And finally, remember it will be over much more quickly than you think. It has been a pleasure to work with the other three leaving. And a pleasure to get to know the rest of you.

Tracy Miedema: Tina.

Kristine Ellor: Darn that's a hard act to follow. Um, I, I, I know there's at least one new board member here, or there was. And, um, and I'd like to address the, the current and, and outgoing board members. Um, what, what I've learned number one, is how important it is to, as Katrina said, to talk to each other. And talk to the people you disagree with the most, the most. It's the hardest thing to do. Calvin, I think you're especially good at that. I mean really, um, not being afraid to ask the hard questions and you know, do the, do the right thing. Um, don't make assumptions about other board members. We all know what assume means, right. Uh, compromise is not failure. I truly believe that. Um, these are the, at least in my experience, all along ever since I've been on the board, are the finest 13 and/or 14 depending, um, people it's ever been my pleasure to spend a lot of time with.

And, um, if I had one wish for going forward, you know, for the program and for the board, it would be to have more face time, especially in

committee work. And to have all committee meetings in bars. That really does help things along. Uh, and just because you don't agree with the outcome, doesn't mean good work wasn't done. And that that good work won't go forward. Um, I've seen genuine and profound progress since I've been sitting in these meetings, not only on the board but, but in the audience. Um, in conclusion and finally, exit stage left, pursued by bears.

Tracy Miedema: Steve.

Steve DeMuri: And I have to follow you. Um, I just want to thank everybody. Yeah, thanks. Um, thank everybody for the camaraderie. I've been in the business for over 30 years but I've learned more in the last five than I did in the first 25. Um, and that's been, uh, very, very encouraging and a challenge to me. And for those of you that are left out in the gallery, um, the most important and, and the funest part for me was to hear your comments, um, during the meetings, even though sometimes we're here 'till 9:00 or 10:00 at night. Um, we've got a little groggy, it's still the most important part of the process in my mind. So thank you very much for all that. And to, uh, those of you who are still on the board and new board members, uh, best wishes. And we'll be here to help you if you need us.

Tracy Miedema: Thank you. Well, great work everyone. It's been a big four days. We made it through our agenda. I believe we really accomplished what we set out to do this week. Um, Miles would like to jump in before I get the last word here?

Miles McEvoy: Um, yeah, I just wanted to, um, say a few closing remarks as well. Uh, on GMO issue we, the Secretary and the program understand it's a really, really important issue. Uh, we're not here to thwart your process it's just that the process is important and it's really important that you follow that process. And if you're going to put out something for, uh, to the Secretary, um, it's important that you get that public input in terms of what, what it is that you want to say. I think that's really important. Um, and the other thing I would suggest on the GMO thing is to look at the, uh, NOP GMO policy as a, a possible thing to take on as a committee review. Um, you know, that is the policy for the program. And the board has never really taken a hard look at it. It might be something to spark some deeper consideration and, and discussion, um, around where to move forward on, on GMOs.

Um, Animal Welfare, uh, uh, I was very skeptical coming in here this week that that would, uh, get, that there was a final recommendation on that.

So congratulations, amazing work. Thank you so much for that. I just want to tell you a little bit about what we're thinking in terms of what are the next steps. Um, so, uh, we need to do analysis. Uh, take a look at it, uh, in particular the economic impact, uh, component of that. Um, and then we'll determine how to proceed. It's a National List recommendation it's a Practice Standard recommendation. It's going to take us some time to, to take a look at that and we'll respond, um, as we, as we do in writing back to the board on what is our plan to, to proceed. What are our next steps, uh, on that particular recommendation.

Um, again, appreciate all the work of all the board, um, really like the work that has been done to, uh, reach consensus on so many proposals. Uh, we will review all those, uh, recommendations that our final recommendations. And provide that official response back to the board. And, uh, look forward to continuing to work with the board and the new members. And get ready for Albuquerque. And really, um, I think we should really embrace the idea of continual improvement with these meetings of, of really trying to think what's the best way to, uh, gather that public input and, uh, have those really rich discussions to make the best decisions. And really look forward to working with everybody on that in the future. So thank you.

Tracy Miedema: Thank you Miles. So I had started to say, great work. And I mean it, we, you know, it's the culmination of the six months and usually a ton of time and effort leading up to those, those six months. And great work to all of you who are still here and to all of the folks who have already left for home. There was one, um, item that came up during our meeting that I hope the program will pay special attention to, which was an allegation that a federal witness was threatened or intimidated. And, um, just so that there is no chilling effect on future, um, people with wishing to give testimony. I hope the program does look into that. Lastly I will say, thank you so much for the opportunity to lead this board for the last year. These five years I know will be a tremendously memorable era in my life. I just know that already. So thanks again and with that, this meeting is adjourned. (applause)

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